

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: HAMPTON INN & SUITES 2700 Lenwood Rd. Barstow,
California 92311

DATE AND TIME: Saturday, March 21, 20098 a.m. to 3:21 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR(No. 3710)

JOB NO.: 68034JG

A P P E A R A N C E S

MEMBERS PRESENT:

CHAIRMAN DON MABEN
RANDY BANIS
MEG GROSSGLASS
THOMAS ACUNA
DINAH O. SHUMWAY
RICHARD HOLIDAY
RICHARD RUDNICK
PATRICK LLOYD GUNN
RONALD JOHNSTON

REPRESENTING

Elected Official
Public-at-Large
Public-at-Large
Transportation/Rights of Way
Non Renewable Resources
Recreation
Renewable Resources
Wildlife
Public-at-Large

STAFF PRESENT:

STEVE BORCHARD, District Manager, California Desert District
JACK HAMBY, Associate District Manager, CDD
JOHN DEARING, CA State Office, External Affairs
STEVE RAZO, External Affairs Officer, CDD
DAVID BRIERY, External Affairs Specialist, CDD
ALAN STEIN, Assistant District Manager, Resources, CDD
JOHN DALTON, NEPA Coordinator, Planning and Environment, CDD
JENNIFER WOHLGEMUTH, Staff Assistant, CDD
ROXIE TROST, Barstow Field Officer Manager
HECTOR VILLALOBOS, Ridgecrest Field Office Manager
VICKI WOOD, El Centro Field Office Manager
JOHN KALISH, Palm Springs Field Office Manager
RUSTY LEE, Needles Field Office Manager
ERIN DREYFUSS, El Centro NEPA Coordinator
KYNAN BARRIOS, El Centro Chief Ranger
TOM ZALE, El Centro Associate Field Manager

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Ridgecrest, CA Saturday, March 21, 2009

P-R-O-C-E-E-D-I-N-G-S

CHAIRMAN MABEN: Everybody find your seat. I want to welcome you all to the Desert Advisory Council Meeting for March 21. I have lost track, I had such a great time in Johnson Valley. We will start off with a pledge of allegiance and that will be led by Steve Razo, the man who miraculously puts these meetings together.

(Pledge of Allegiance.)

We will begin introductions in the room here. I am Don Maben, second district supervisor from Kern County and one of the elected representatives on the DAC. To my left --

DIRECTOR BORCHARD: Steve Borchard.

MEMBER RUDNICK: Richard Rudnick, DAC member representing renewable resources. I'm a rancher in western Mojave.

MEMBER JOHNSTON: Ron Johnston. I'm a member of the DAC. And I have -- my role is representation of public comment, public interest. Property owner in Joshua Tree for many, many years.

MEMBER HOLIDAY: Richard Holiday. I'm a representative of recreation.

MEMBER GUNN: Lloyd Gunn. It's my second meeting with the Desert Advisory Council. I'm also with the Society for Conservation of Bighorn Sheep, and I'm active with the Desert Commission.

MEMBER ACUNA: Tom Acuna, representing Transportation and Rights-of-Way on this Commission.

MEMBER SHUMWAY: Dinah Shumway, and I have been in the mining business for 35 years and I represent nonrenewable resources.

MEMBER BANIS: I'm the representative of Public At Large and the editor of deathvalley.com. And I live in Leona Valley, just on the edge of the Desert District.

CHAIRMAN MABEN: Why don't we see who all is in the audience. We will start here and go across these rows.

MR. NOSALA: Wayne Nosala, for Mojave, Friends of Jawbone.

MR. WALDHEIM: Ed Waldheim, CTUC. Friends of Jawbone and Friends of El Mirage.

MR. DEARING: John Dearing. I'm representing the state director for BLM.

MR. STEWART: John Stewart, California Association of Four-Wheel Drive Clubs.

COLONEL WESTON: Colonel Wes Weston, Twentynine Palms, California, Marine Corps.

MR. ROSS: Joe Ross, Marine Corps. Twentynine Palms.

MR. VILLALOBOS: Hector Villalobos, BLM field manager for the Ridgecrest field office.

MR. CHARLTON: David Charlton, former DAC member, now representing California (inaudible).

MS. GALE: Trisha Gale, off-highway vehicle recreationist.

MS. BURNS: Isabella Burns, former DAC member, and I at that time represented the people interested in rocks and gems and minerals, and I'm still interested in them.

MR. BURNS: Phil Burns, member of the Whittier Gem and Mineral Society for 50 years, and a desert worker.

MR. CONKLE: Jim Conkle, Route 66 Alliance and the Mother Road National Monument.

MR. LEE: Rusty Lee, Needles field office manager, BLM.

MS. TROST: Roxie Trost, field manager for Barstow BLM.

MS. WOOD: Vicki Wood, El Centro field office manager.

MS. DREYFUSS: Erin Dreyfuss, NEPA coordinator, El Centro BLM.

MR. BARRIOS: Kynan Barrios, Chief Ranger, El Centro BLM.

MS. ZALE: Tom Zale, associate field manager, El Centro.

MR. HILLIER: Gerry Hillier, Federal Lands Consultant for San Bernardino County, and executive director of Quad State Local Government Authority.

MR. KALISH: John Kalish, BLM Palm Springs field manager.

MS. BAKER: Helen Baker, representing the Partnership for Johnson Valley.

MR. BAKER. Aaron Baker, Cal Four-Wheel and Partnership for Johnson Valley.

MR. BURKLE: John Burkle. American Sand Association and (inaudible).

MR. MARUSKA: Don Maruska, serving as a consultant to BLM.

MR. STEIN: Al Stein, Deputy District Manager for Resources in Moreno Valley for BLM.

MR. BRIERY: David Briery, external affairs, California Desert District.

MR. HAMBY: Jack Hamby, associate district manager for BLM, CDD and doorman.

MEMBER GROSSGLASS: Meg Grossglass, ORBA. Hi.

CHAIRMAN MABEN: Next item is the approval of the minutes for November 15th, the meeting transcripts. Anybody have any corrections or adjustments to those minutes? I need a motion.

MEMBER BANIS: Move approval, please.

MEMBER HOLIDAY: I'll second it.

CHAIRMAN MABEN: Okay. Any further discussions? All in favor? (Voice vote taken.) Opposed? Motion carries. That brings us on to summary of the field trip. BLM staff. Who is the staff?

MS. TROST: Good morning, Council. I'm the only Barstow staff here today so I guess that would be me. Roxie Trost, field manager, Barstow.

We started out at Johnson Valley -- and just a brief overview of the Barstow field office. We have about 3.2 million acres that we manage and five open areas. Johnson Valley is one of those, 188,000 acres, and we saw just a small portion.

Just to give you an overview, it's a very popular area where we were, but a very small part of the 188,000 acres. Our goal was to get you out and let you see some of the overlooks and things that go on out there, and I hope we accomplished that.

I don't really have anything else to add to the summary unless you actually have some specific questions of me.

CHAIRMAN MABEN: On behalf of the Council,
I want to thank you for your hospitality. MS. TROST: Thank
you. at-Large
STAFF PRESENT:

THE WITNESS: I'm not. here. Daphne will be
now. MR. WALDHEIM: Daphne is not here right As you know, we have \$2

(Applause from the audience.)

CHAIRMAN MABEN: That brings us to public questions for items
not on the agenda. I'm going to assume that the people that sent these cards
up have issues that are not on the agenda. John Stewart?

MR. STEWART: I'll pass.

CHAIRMAN MABEN: Jim Conkle.

MR. CONKLE: Those of you who don't know me, I'm a roady and a
former Marine: Once a Marine, always a Marine. The timeliness of this is the
current issue of the Smithsonian magazine lists the ten must-see endangered
cultural treasures of the world. Route 66 happens to be one of them. I just
want you to know that.

CHAIRMAN MABEN: Wayne Nosala?

MR. WALDHEIM: Ed Waldheim, Friends of El Mirage, Friends of
Jawbone. The OHV Grant Program has closed out the grant cycle
for grants on May the -- May the 4th. We are now in a period and
I don't know if staff -- are you going to say anything?

grants in the off-road vehicle program. And out of that program what effects
you in this area or the BLM, they put in a total for \$10,378,000, and it's broken

down by different projects. O&M projects, we have 15 project at 2,100,000. They have acquisition at 137 million (sic); 752 million (sic) in development; 1.5 million in planning; restoration, 3.5 million; education, 1 million; law enforcement 1.8 million. That makes up the 10 million.

And the reason we bring that up, we have a problem in that we have over-subscribed to the amount of money that we are applying for. In the grant request for the law enforcement, we have gone over by the amount of \$3.8 million on an overall basis. Within the Bureau you only have 1.3 and Steve Borchard has been left with trying to figure out how we are going to do the cuts to match the difference. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

There is some worry. There is some worry within the field offices of how this match is going to be cut because law enforcement is one of the most important things that we have. We are very unhappy --personally I'm very unhappy that when the bill 1742 was done they gave more money to restoration and not much to law enforcement. It should have been the other way around. You make sure people stay on the trails. That way they don't do the damage so we go at it backwards. We fix the damage and let the guys who do things illegally off the hook, which is very unfortunate, so we don't have enough money.

The cities and counties are in a worse shape. They are over 2 million dollars out of whack so the state has quite a job to do on that. Having said that, the different field offices depends on this off-highway vehicle money. I'm asking every one of you to please go to the off-highway vehicle OHV Web site, and go to where it says OLGA. You go onto the Web site and you hit grants and then you go to OLGA and then you can review the grants and make your comments. You have until April 6 to make the comments, public comments.

The agencies cannot change anything. But the State OHV division can make the changes and you, GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

the public, can make the changes. So every one of the BLM staff cannot make changes. So Richard, go on the line, look at it. It's very important that everyone go on line and check these grants in the areas of your interest, be it restoration, law enforcement and you make your comments. You can go on-line also on "comments" and do it on-line and make it.

So I have distributed -- and I don't if know if Steve got it to you -- Jim Keeler did send out his distribution with 5 three-step process. So we need to make sure that gets really distributed to everybody so we could participate in these grants program. Remember, this is the first time in two years now we are getting some money from the OHV program. Before that we have been dead in the woods. So this grant program is very important.

This is just a sample of some of the copies. If anybody is interested, I have a copy of all of the front pages of all the 100 grants. If anybody wants a look at them, I have a front page of each one of the grants, what they have. So you are more than welcome to look at my paperwork so you can figure that one out. And then the grants of our interest, I have all the BLM and things for you to look at.

The second issue that I have is on the --that I would like to bring up is the fees. At last Council meeting I asked of Steve Borchard that we need to have a better accounting of the fees we are collecting. I'm being stonewalled because they say since October in El Mirage, we have no clue what they are taking in or spending, absolutely no accountability whatsoever because we are in dark.

Well, I'm sorry, I don't -- I can't accept that we are in dark. Fine. Then come up with an Excel sheet. You can do something to give an idea what are we doing. We have no clue what we are spending or bringing in. If we have the receipts, Friends of El Mirage sells tickets. We know how much we are putting in there, but yet there is no responsibility to the public. We have no clue what's going on. So I'm feeling really frustrated that just because the government is on a blackout or the computer is being recharged, that the public still is in total dark. How are we spending our money? So that needs to be resolved. There should be a way for us to do that. I mean, we just cannot keep doing it the way we are doing it.

That's all we have, and I have comments on
different agenda items. GILLESPIE REPORTING & DOCUMENT
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CHAIRMAN MABEN: Isabella Burns.

MS. BURNS: Isabella Burns.

My interest is something in the future, I guess you would say. And that is I'm wondering what this omnibus bill that they are passing through Congress -- looks like it's going to pass. Every day it changes a little bit, but I'm wondering what part of it -- what is happening here? What part of it concerns us in this area? I am trying to get the list of things they were about. I have five pages of single-line places that are going to be involved in this program. My next step was to send in to get the report on each one and ended up getting 757 pages. And just trying to go through those and sort out the ones that are in this area seems like it's a problem I can't quite come to. And I thought maybe somebody here might have been working on that.

CHAIRMAN MABEN: Isabella, can you tell us which omnibus bill you are talking about?

MS. BURNS: I knew you were going to say that. This last one has been there before and hasn't made it through, and they keep adding all the time, so it's really hard to --

CHAIRMAN MABEN: Who is the sponsor of it? GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

DIRECTOR BORCHARD: Are you referring to the Omnibus Public Lands Bill that's all the legislation for the 167 separate bills on McKean and Bono-Mack's Wilderness Proposal? I can give you an update for as much as we know at this point in time.

MS. BURNS: That's what I was interested in.

DIRECTOR BORCHARD: And John, please correct me if I'm wrong. The Omnibus Public Lands Bill, 160 different lands bills from several states were all lumped together in one bill, which includes the Bono-Mack Riverside County Wilderness Bill that has Riverside County and Amargosa River designation language in it as well as the McKean-Boxer Bill that contains wilderness language, designation language in the northern counties of our region, Inyo, Kern, I think San Bernardino.

Two dissimilar versions of those bills has been passed in each House of Congress, in both the Senate and the House. At this point the Senate and house have not completed -- or I guess the committee version, the House and Senate get together on their two different versions and iron out the differences and then revote.

It's my understanding the House did not

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pass the committee version of those two bills. It failed by two votes, one of which was Mr. Mack, Ms. Bono-Mack's husband, interestingly enough. So at this point the compromised version between the two houses of Congress did not pass the House and that's the current status as far as I know it.

MR. DEARING: I will address that just briefly. There's a little more.

CHAIRMAN MABEN: Thank you, sir. That will bring us to the state director's report, John Dearing.

MR. DEARING: Good morning, everyone. My name is Jon Dearing. I'm from the external affairs office in the state director's office right next door to the state director. I'm representing the state director today.

As you know Mike Pool is in Washington, D.C. as the acting BLM director. He has been very busy but having a good time. So associate state director Jim Abbott is now the acting state director and they send their thanks for your service and your continued good work.

One of Mike's policy goals while he is in Washington is to make the Advisory Council a much higher priority at the BLM department level. He has

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been extremely frustrated by the delay, the charters and the register notices and so on. So far he is working to streamline and centralize the BLM Advisory Council unit. He has moved the nomination process out of the National Landscapes Conservation System for the DAC and other monuments, advisory committees. He has been successful to move that out of NLCS and back into Inter-Governmental Affairs Department, which takes care of all the other RACs, northwest, northeast and central California and other state councils.

So that move is going on. That will help streamline things. It will all be under one house. And there will be somebody to kind of monitor and push, if you will, the nomination process. So we are crossing our fingers.

The next step, of course, is DOI, the department, to get it streamlined up there. As you know there is still a lot of appointments going on with the transition in the administration and things are being hung up, so hopefully that will get fixed out here shortly.

Keeping you informed and up to date is another goal of Mike Pool and Jim Abbott, so let me just touch on a couple things.

Mike started on March 1, and he will hold

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the position until a permanent director is appointed by the secretary and confirmed by Congress. So far a deputy secretary has been nominated, David Hayes, who served as the No. 2 under Secretary Babbitt. His nomination was approved by the Senate Energy and Natural Resources Committee and there is still no word on the assistant secretary for land and minerals or the BLM director position.

The budget: Last week the Senate passed and the president signed an Omnibus 2009 budget bill that funds the federal government. The Department of the Interior received 10.1 billion, slightly more than 2008. BLM received 890 million, which is 25.4 million more than the requested, which is a reflection of the significant investment that the administration and Congress intends to make for our public lands.

The president released an outline of his budget for 2010 fiscal year on February 26. The full budget will come out later this year. The stimulus, the so-called stimulus funding under the America Recovery Act approved more than 305 million dollars for BLM over the next two years. The approved projects which had to meet a strict set of criteria will be announced probably around April 1st. And if you think your project is not in that, if any of you here have -- favor any of the projects, cross your fingers and hold your breath because it's a two-year process. So if the project is not on there now, it may be later. So that's the good news.

On legislation, the Omnibus Lands Bill that contained four pieces of legislation that you just outlined, Steve, that was defeated in the House by two votes, but the Senate has moved Senate Bill 22 substance into HR 146, which has gone back to the House, and it will be acted on a simple majority vote with no amendments or closed votes, so that's where we are at this point in time.

Statewide renewable manager, last week Secretary Salazar issued a secretarial order making the production, development and delivery of renewable energy a top priority. In addition, the order establishes an energy and climate change task force to identify renewable energy zones where Interior can facilitate development, and there will be more to come on that as that unfolds.

Here in California we are working closely with the state, which is moving to expedite renewable development while protecting sensitive areas. State and federal agreements and inter-agency teams are working on streamlining operations while insuring full public involvement in affected areas.

Finally, although we always had a District Manager here in the desert because of the complexity of the desert, we have had no districts in the rest of the state for some time. A national standard was set to make all BLM states adhere to a three-tier structure for efficiency and consistency: Field, district and state office. Our new District Manager in Northern California will be Nancy Lowell. She comes from a field office in Oregon and she has a lot of experience at National Inter-Agency Fire Center and the Boise State office up there. And the new District Manager in Central will be Kathy Hardy who is coming over from the Forest Service. She has been with them for a very long time and will be a very good District Manager for Central California. The news release announcing both those appointments is on our Web site. Any questions?

CHAIRMAN MABEN: Appears to be none.

MEMBER ACUNA: Just real quick question about all of the streamlining efforts for renewable energy. There are ambitious plans and they want to make things easier for developers to get the projects through. There is one going on -- I think it's Ready and Reid and others. What is the time frame for the Council here to hear when we are going to achieve

those major milestones?

MR. DEARING: Milestones as far as --

MEMBER ACUNA: When those plans will be in effect where a streamlining effort will really result.

MR. DEARING: Well, as I mentioned, we are working with the State. We have two offices now. I think they call them RECO or something like that. Regional Energy Offices. One is in the State office and one is in the District. There is like one person per office right now. But we are working towards adding some additional people. We have got some funding now that will help with that. As far as a word when the report is back to you, I do not have a definitive date. So I'm sorry for that.

MEMBER ACUNA: Thank you.

MR. DEARING: Anything else?

CHAIRMAN MABEN: Thank you. This brings us to District Manager's report.

DIRECTOR BORCHARD: Good morning. I would like to welcome you to the District and the Barstow field office and pass my thanks on to Roxie and her staff for conducting a great tour and all the volunteers that showed up with their equipment and took everybody for an exciting and illustrative ride yesterday.

On the planet earth we often say that it happens first in America. And in America we often say it happens first in California. And in California, often it's in Southern California. And we here in the CDD look at the variety of activities that go on in Barstow, and often things happen first in Barstow. But there is a lot of firsts going on in each BLM office in CDD. And as you know, as John just mentioned, energy is one of the top priorities of Secretary Salazar as well as conservation and preservation of our pristine landscapes. Nowhere else is that more important than here in CDD.

Here in the Barstow field office we expect and enjoy the active participation of many stakeholders, especially here in Barstow. Those of you that are here today joining us at the table and participated in our field trip yesterday got a good sense of that partnership and how we work together with all our volunteers who came and helped foster an enjoyable field trip in the beautiful desert yesterday.

The key players now include the Obama administration
and its new set of energy and GILLESPIE REPORTING & DOCUMENT
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renewable -- renewable energy and conservation priorities. Environmental community itself, the energy producers, the utilities, and Colonel Weston representing the military, many of the recreationists here, we are all players and we should all be at the table together and charting the future of how we manage the resources here in the desert.

Consequently, the role of the District Advisory Council as set forth in its charter has never been more important than it is today. And that role is to provide representative citizen counsel and advice to the BLM and the California Desert District Manager. I can assure you that I'm all ears right now and listening to you in hopes that how BLM juggles these complex and sometimes apparently conflicting objectives such as renewable energy and conservation -- I want to hear your thoughts and carefully consider them.

Well, we have a budget, John said, so finally we can move forward. And the good news is we got more than we asked for. You just heard John mention renewable energy. And I will summarize a few of the other items that are priorities 1-A through Z on our list.

Currently we have about 70 solar

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applications covering more than 600,000 acres. And that's nearly 1,000 square miles. If through some fate all those applications were to turn into generation capacity, they would generate 47,000 megawatts of power. Coming back down more to reality, of those 70 projects, we have two that have moved beyond the application stage and have moved into the NEPA phase of analysis of the impact.

Those are the Ivanpah BrightSource project in the Needles field office and Sterling Solar Two project in the El Centro field office. We also have a Solar Programmatic EIS covering six stages that BLM is doing in conjunction with Department of Energy. And the current timeline is in late summer to put a Draft EIS on the streets and about a year later a final one. However, there is lots of talk about what kind of alternatives should be in that EIS and that timeline may skip a little.

We have 63 wind applications covering about 407,000 acres or 700 square miles. I think two of those 63 have actually moved into the EIS phase, so we have two solar and two wind that are moving forward through the public involvement, initiating the public involvement phase associated with NEPA. Of course, we have several transmission projects going. Recently our state director and now acting BLM director signed the Record of Decision for the Sunrise power link and Imperial in San Diego County.

We are, I think, close to moving forward to opening the NEPA process on Metropolitan Water District's Green Path North transmission line. And I think you are all aware -- or if you are not, we will talk about them more today -- of the dialogue going on between the Secretary and the Wildland Conservancy and others regarding the future of former Catellus lands that were donated to BLM by the Wildland Conservancy as well as acquired with Interior Land and Water Conservation Funds.

And we are also active in geothermal development, and I believe we will have an update, details of that later today. Of course, we are very active in our assistance to the Marines and the Twentynine Palms expansion study. You got to visit part of the area that is the subject of that study yesterday with Johnson Valley; it was the western study area.

Associated with and part of the Wildlands Conservancy Lands, Senator Feinstein recently announced interest in studying the Mother Road Monument, so an announcement came out about three days ago. She publicly announced her interest in working with stakeholders in the crafting of language and boundaries for consideration by Congress of a substantial monument. You saw the maps. Those of you on the field trip saw maps yesterday that the monument basically fills in that area south of the Mojave Preserve and north of Twentynine Palms and east of the current country of the Twentynine Palms Marine Training Facility.

Of course, I can't forget to mention the Wild Horse and Burro program or Abandoned Mines program. I think I may have found a customer for the BLM mustangs last night during our barbecue.

MEMBER RUDNICK: I didn't think you could eat them.

DIRECTOR BORCHARD: You didn't know what you were eating last night?

In our Abandoned Land Mines program we have received additional stimulus funds to address high priority physical hazards, so we are going to be actively working with our partners and contractors to continue our efforts to treat those high risk sites and improve the safety of our public lands visitors.

On our OHV recreation front, our visitation at some of our fee areas is down about 6 percent this GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

year. And as Ed already mentioned, we are actively seeking state grants from the OHV Management Group in the state.

Another area, fire and fuels treatments, we had also received stimulus funds to carry out fuels treatments in Riverside and San Diego counties. I briefly summarized some of the challenges we face here in the CDD. As the day goes on, you will hear more details on some of the subjects I mentioned.

These are exciting times as many of our decisions can make a positive impact for generations to come. That's why each one of us here in the room needs to step back and make sure you take a look at the big picture and think about the future and the task before us.

Perhaps the BLM mission statement best summarizes that with which we are entrusted: To sustain the health, diversity and productivity of public lands for the use and enjoyment of future generations. Thank you for taking time out from your weekend and being here today. Your presence demonstrates your interest and your commitment and we take that very seriously.

CHAIRMAN MABEN: Are there any questions? Seeing
none, thank you, sir. GILLESPIE REPORTING & DOCUMENT
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That brings us to field office reports. Since they stack these reports in front of me, I'm going to take them in the order they stack them. El Centro, you are up on deck. Anybody from El Centro?

MS. WOOD: There are lots of us here from El Centro. Did you have questions or --

MEMBER HOLIDAY: I have some questions.

CHAIRMAN MABEN: Please identify yourself for the record, please.

MS. WOOD: Vicki Wood.

MEMBER HOLIDAY: In reading the reports, we have all the things going on there in El Centro. I wondered what the status of -- I know the Mesquite Landfill, they are looking at changing their conditional use permit to allow additional traffic on the road there. What is the BLM's position on that change of that? Have you worked with that at all, changing that CUP?

MS. WOOD: I have not been updated on that. So I will ask Tom if he knows anything that has been going on with that.

MR. ZALE: Tom Zale, BLM El Centro. I think we participated in the scoping process or the CEQA equivalent to that. And it's my understanding that a draft CEQA document hasn't yet been released, 28 so we don't have an opportunity yet to make additional comments, but we will when we see it.

MEMBER HOLIDAY: Have you taken a position one way or another on approval of what they are doing?

MR. ZALE: I know that they have proposed to change the conditional use permit to allow traffic to be brought to the site by truck. And we made some comments in terms of things that should be considered among the array of alternatives, but at this point we haven't taken a position on whether that should be approved or not because we haven't seen the environmental analysis that would inform that.

MEMBER HOLIDAY: I know that Recreational Area Management Plan is coming out, but I see you are going to have a report on that. I also want to thank you for getting -- we got a new law enforcement officer. I met him yesterday, and his particular plans are looking pretty good for reducing some of our issues with the law enforcement officers in your area. I know you are coming up on a budgeting issue also for the grants, and as Ed said there, it's my perspective we want to make sure that any place they are paying fees, that there is good accounting back for that.

Hopefully, subgroups will explain a little bit better how the reporting structures are set up. I would like to see some consistent reporting structures across all the different places where there are fees so we can have some easy way to monitor what is going on. Because obviously the users, the public are paying these fees and we should know where that money is going and that it's well-spent. So we are very concerned about that.

One last issue, too, is that we have some issues, as you are aware, along in the NECO area, on the southeast corner of the NECO area there. And I noticed for Palm Springs that they had all their NECO routes signed and kiosks put in. And the Desert District has put in a grant request to monitor the effectiveness of those route signs and management of those routes and those routes have not been all signed or a map prepared for the El Centro office. So it almost is a little bit premature to come in and see how well you have managed those areas when they haven't been managed in that particular area.

So I actually have a motion that I would like the DAC to consider to request that the BLM El Centro complete those signs and mapping and get that information out to the public, if you think that's appropriate. Just -- it kind of bothers me that we have had people trying to use this area and they have been essentially turned away because there was no documentation or records of where they could legally recreate.

I would like to make a motion that the Desert District request that the areas in the NECO areas are signed and completing as the Record of Decision requested, those areas be signed and designated for recreational uses.

CHAIRMAN MABEN: There is a motion. Is there a second?

MEMBER BANIS: I would like to second and speak to the motion, please.

I would second the motion. I will say, however, please, that I'm not intimately familiar with the presence or lack of signing in that El Centro area. However, I do know that with the recent turnover of the new management plans that we have and the new route network that is on the ground, it has not had the opportunity to be signed throughout the whole Desert District. And we know of efforts to challenge some of these designated routes because they are not findable for some. They are not locatable for some. Routes that I have personally traveled on and others that I know of that personally travel on may have occasional quirks and crooks to it over time. And the uninitiated can quickly get off course or maybe feel that they have lost the trail altogether.

The thing that most concerns me is when those are people that are saying that because these aren't signed, because no one is traveling them, maybe we ought to just close them all up. And I believe that closing the routes as an alternative to signing them is somewhere I definitely do not want to go.

So to the extent of how much signing needs to occur down in that area, that's why I'm speaking in support of Dick's motion. I would like to see that taken throughout the whole Desert District. Thank you.

CHAIRMAN MABEN: Any other comments on the motion?

MEMBER SHUMWAY: As you know, I'm a representative of nonrenewable resources, and I work in a lot of the Desert District areas. And I use conventional topo maps, primarily from my work, to get around. So I second Randy's comments.

It's extremely frustrating to go out and have a day planned for whatever survey I'm conducting at the time and get to a road that's closed or is lost, or you don't know whether it's current or wilderness or whatever. So I think this is a really important thing that the BLM in all districts can do for the public is to at least have physical signs on the ground and produce on a regular basis current maps.

And this is not a technically difficult thing to do because maps can be put on the Internet with amendments very quickly with a quick turnaround, and I know BLM has this capability. So I think this is something that we need to consider for all districts, not just Imperial.

CHAIRMAN MABEN: Anybody else? All in favor? (Voice vote taken.) Opposed? Motion carries. Thank you, Mr. Holiday. Any other further questions for El Centro?

MEMBER ACUNA: Tom Acuna.

Vicki and Tom, I just have a couple questions regarding your solar applications or PODs. I see there are two here. One is for OptiSolar and the other is Sun Peak Solar. I just have three questions.

What is the rough location, acreage, and is there a transmission connection available for those particular sites?

MR. ZALE: I'm sorry. I actually --that information I think is probably on the Web site. But I don't have it committed to memory. So I could find an answer to that for you.

MEMBER ACUNA: I will check. But the acreage isn't so important. But roughly where are these sites roughly located?

MR. ZALE: Basically, there are I think about eight solar application distributed across most of the public lands that our field office manages that aren't either ACEC or wilderness or open off-highway vehicle area or flat-tail horned lizard management area, so I'm just not sure.

CHAIRMAN MABEN: I think the answer is coming.

MR. ZALE: So there is Salton Sea there; right? This is a perfect map. (Laughter) so we've got some applications. That's Sterling Solar, two sites on the west side of Imperial County. To the north of that is one of the ones that you mentioned. A couple of other sites are between the Salton Sea and the Chocolate Mountain Gunnery Range. And further south, just to the east of the Imperial Sand Dunes, those are the largest of the applications that we have. The one that Steve mentioned earlier, Sterling Solar Two, is the one that we are actually working with the California Energy Commission on. The others we are still in the process of reviewing to determine whether or not they are complete. And again, my apologies for not knowing specifically which is which.

MEMBER ACUNA: I know you have a lot on your plate. So just a quick query, and I will take a look at it.

MR. ZALE: If I remembered all that stuff, I would have forgotten about the Sunrise Power Project.

MS. WOOD: Erin just whispered in my ear, so if you want to catch her at break, she has a little closer description for you.

MEMBER ACUNA: I will check with Erin. Thank you.

MEMBER BANIS: Is there someone whose Palm Pilot might be set on alarm right now? It's going off every couple minutes? It sounds like it's coming from here.

MEMBER RUDNICK: It sounds like it's coming from right down there. It just went off. Oh, it's the chairman's.

MEMBER BANIS: Thank you, Mr. Chairman.

CHAIRMAN MABEN: It was your timer.

(Laughter) okay. Thank you, El Centro.

MEMBER SHUMWAY: I have one more question. Quick question, I hope. The U.S. Corp -- apparently you are reviewing for exploration operations for a drilling map plan. Any idea when that review will be completed? What is the time period?

MS. WOOD: You are taxing our brains this morning. Big time.

MR. ZALE: Tom Zale, BLM El Centro. I don't believe that the company has provided us with an environmental assessment yet for that drilling program. The ball is in their court to provide that to us. At such time that we get that and it's complete, we will --

MEMBER SHUMWAY: But you are analyzing the mine plan? So you do have a mine plan?

MR. ZALE: We have a drilling program.

MEMBER SHUMWAY: So they have to provide an EIS for the program?

MR. ZALE: An environmental assessment I think at this point. If as we review that, we couldn't support the finding of no significant impact in the EIS. But I'm not thinking that that's going to be the conclusion.

MEMBER SHUMWAY: What would be a turnaround time if they get all of their required documents in?

MR. ZALE: I would forecast 30 or 60 days.

MEMBER SHUMWAY: Is that by statute or is there a plan for that?

MR. ZALE: Well, I think the first thing that we will do is put the environmental assessment up on the Web site for 30 days for the public to take a look at it and then make decisions after that. So I want to sort of hedge my bets in terms of the actual timing because it's going to depend on what shape the EA is in and what sort of comments we get and what concerns.

MEMBER SHUMWAY: Thank you.

CHAIRMAN MABEN: That seems to be the last question for El Centro. That brings up the Barstow field manager's report. Since we had such a great introduction yesterday, maybe we will see if there are any questions for Barstow. Council members?

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here. MEMBER HOLIDAY: I had one question I know that you say --MR. RAZO: He needs to talk

MEMBER HOLIDAY: I'm sorry. You say here your past sales were much lower than last year. Is that going to lead you to having to raise the fees for next year?

MS. TROST: We don't have any plans to raise the fees. What we are looking at, Dick, is maybe trying to simplify the fee structure because we have three different fees out at Dumont based on holidays and holiday weekends. And so if anything, we are looking at trying to simplify that.

MEMBER HOLIDAY: Okay, thanks very much.

CHAIRMAN MABEN: Any other questions?

Thank you.

MS. TROST: Thank you.

CHAIRMAN MABEN: That will take us to Palm Springs. Any questions for Palm Springs field manager?

MEMBER BANIS: Good morning.

MR. KALISH: Good morning. My name is John Kalish, field manager for Palm Springs.

MEMBER BANIS: My question is not from anything on the report. I had received information of something great that you may be working on, distributing GPS data of routes, motorized routes in that district in some form, some electronic form. Is that something that's too premature to talk about right now or is that just a rumor?

MR. KALISH: It's not just a rumor and it's not too premature, but it's a statewide initiative within BLM to take all the GPS database for the routes that has been acquired and ultimately make that database available to be downloaded on standard Garmin-type units to where users could out in the field determine whether they are or are not on an authorized route. So this would really revolutionize our overall route designation process. It's something that we are certainly looking forward to.

MEMBER BANIS: That sounded so nice I would love to have him say it again. That's something that's been important to me, and I appreciate hearing it. Is it that maybe your district is a little ahead of the game?

MR. KALISH: No. The Palm Springs/South Coast field office is pretty much right in sync with the rest of the state. It's really a statewide initiative, and we are looking forward to that. It's going to be a great thing.

CHAIRMAN MABEN: Any other questions? Thank
you very much. Ridgecrest field office? Any questions for

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that? Hector, I think you are off the hook.

MEMBER BANIS: Sorry about that, Chief. Actually, perhaps the question might even be for Stephen. It's regarding the Rand, the new Rand Mountain permit program that was implemented last year required by the WEMO management plan that visitors wishing to use motorized vehicles in the Rand Mountain Management Area now have to obtain a permit based on an education program to improve compliance with route designation and to better protect the resources of that management area.

WEMO calls for at some point a fee to be charged for that permit. And there has been discussions to whether or not that fee would be subject to approval by the regional -- the recreation resource -- R-RAC. I know the initials. What is it? Regional resource -- R-R-A-C are required to -- there is a new layer of public involvement in the fee, in the collection of fees, where any new fees or increases of fees or changes in fee structures on the public lands, those proposals must be reviewed by the R-RAC.

As of about six months ago, it seemed pretty sure that you wanted this to move forward with the R-RAC. I'm certainly not a lawyer or expert at

reading the regulations, but I just don't see how this fits right into the exact mission of a recreation fee as it has been phrased in the WEMO as a kind of a -- as more of an access fee by anyone wishing to use motorized vehicles there, whether for recreation or not.

If you have a mine claim and you wish to access the mine claim, you need to have the permit. If you are operating any motor vehicle even to access your private land, you need that permit. So it seems a little bit different than the traditional recreation fee.

But let me close my question and comment by saying I would like as much public scrutiny on all fees as possible. And I do appreciate that additional level of review by the public. But -- and I would hate to see what has happened in WEMO requiring this fee for an education permit to be a way to skirt around an R-RAC or get around that public review. I don't want to see this method being used regularly to skirt that. But at the same time, I'm having a hard time seeing this particular program fitting within the purview of the R-RAC at that time.

MR. VILLALOBOS: Randy, we initially checked this fee out with our recreation lead in the GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

state office. And they checked with the recreation lead back in Washington initially. Their preliminary advice back to us was that it really didn't fit the recreation fee like is charged in El Centro or in Barstow.

And the fee that we are looking to charge as we move forward with the phases of our education program is more towards recovering the cost of implementing that program. And they felt that it might be permissible to look at that fee under our regulatory fee program for special recreation permits. And we still haven't had a final decision on that because we are unsure of how this category of fee that we are looking to develop for the future will fit that regulatory area. So we are hoping that it does and again, that we keep it under the special recreation fee type program and that we can make it -- implement it that way.

MEMBER BANIS: Thank you. CHAIRMAN MABEN: For the record, can we have your name? MR. VILLALOBOS: Hector Villalobos. I'm the field manager for the Ridgecrest field office. DIRECTOR BORCHARD: The question is would the BLM will be required to go before the R-RAC GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

for and get their consideration and approval of the fee. And if it turns out that we would be exercising authority on this special recreation permit, we would not be required to go to the R-RAC for their consideration and approval.

MEMBER BANIS: Thank you.

MR. VILLALOBOS: So what you see in front of you -- I should really be quiet because I have a tendency to talk too much.

MEMBER GROSSGLASS: I really don't need the mike. So does that mean that if we don't have to go before the R-RAC, have you put any thought into whether there will be one of these new FACA groups for this -- have you thought about whether you want to have one of those new FACA groups for the Rand Mountain area?

MEMBER BANIS: Yes.

MEMBER GROSSGLASS: There currently is one. So will we use the same structure -- I know we talked about having the same structure to track where the fees go. Would we do the same thing with the Rands? Is that what you are anticipating or anticipating doing something different?

MR. VILLALOBOS: Right now I don't anticipate anything.

And we are hoping I will get GILLESPIE REPORTING & DOCUMENT
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some guidance of the group of shareholders or interest folks that are represented through the groups that we have right now on how that will happen.

MEMBER GROSSGLASS: I was hoping that you guys would consider giving out the same type of financial information as we get maybe for the ISDRA because even though it's not required for the R-RAC, I think the public has a right to know that these things are going to cover your costs because at some point we might get questions -- they are putting this into their pocket -- so for everybody's transparencies, that would be a good idea. That's a suggestion.

MEMBER HOLIDAY: Steve made the point if this was a special recreation permit, it didn't have to go before the R-RAC. And -- but I understand as for Glamis or ISDRA or Dumont areas, they have to go before the R-RAC for their special recreation permit. Does a special recreation permit have to go before the R-RAC?

MEMBER GROSSGLASS: What is the difference between the two that one can and one can't? DIRECTOR BORCHARD: I see Roxie shaking her head yes. MS. TROST: Roxie Trost, Barstow field manager. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Yes. They are special recreation permits and they do go before the R-RAC. A little bit different with the special recreation permit is that it's an area where a person comes to recreate in that area. It's not a pass-through permit like a lot of the Park Service places have. If the Park Service --well, at Dumont if you are passing through Dumont and you are going to take the Sperry Wash route, for instance, no permit is required.

A special recreation permit means you are actually coming in Dumont to recreate and you are going to stay and recreate. So that is a little bit of the difference between the types of permits and we were required to go before the R-RAC.

MEMBER GROSSGLASS: That means the one at the Rands would be a permit to just pass through and that's why it doesn't have to go before the R-RAC?

MR. VILLALOBOS: A permit for the Rands is to ride in the Rands, not necessarily to camp and use facilities for camping in the area. It's to ride the trails and basically the cost that we are proposing is to cover the costs of publishing materials such as this.

This one was actually paid for by the County, by Kern County. So they saved us a lot of GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

bucks at this stage because they wanted -- they felt it was important enough to kick off a permit program. They paid for the publishing of this material and in the future we are trying to make this into kind of an interactive computer permit process where the public can get onto your computer, get onto the Web site and look at this educational material. And once they have been able to read and look at the material and get familiar with it, the computer will spit out a certificate form. And then they can go to one of our offices and get the permit to ride around in the area.

MEMBER HOLIDAY: Let me make a comment, though. There is a lot of misunderstanding about the recreation permits at the two dunes areas, and people think that those are camping permits. They are special recreation permits to ride there. The only reason that BLM uses those as camping permits is because it's easier for them to monitor and do compliance.

The reality is they are special recreation permits to use the facility for recreation, not camping. So this particular thing that you are doing there is really no different than the special recreation, even though they are not camping. The only reason that the camping has anything to do with it is that's the way BLM does it to use the fees.

MR. VILLALOBOS: We are not using fees to maintain the routes there open in the future. We are not collecting fees to maintain the operations and the maintenance of the area, whereas El Centro and Barstow is. Those fees are going into the operations and maintenance of those areas. This one will be a fee for producing educational materials that we need for that area.

MEMBER HOLIDAY: You are going to have a problem in what is called, like you say, with the Federal Land Act because the only thing that's really in the Federal Land Act that allows you to have a fee is either all the amenities that you have, which you don't have, or it's a special recreation permit. That's the one hook in there that a loss for these areas that don't have enough amenities to have a true fee, so if it is a special recreation permit, then it needs to go before the R-RAC whatever the use of the money. However it's used, it should go before the R-RAC for approval as far as I look at it.

MEMBER BANIS: I'm sorry. I just want to make one point or I think might get lost. This permit is also being required of people who are not recreating, and I'm not saying that GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

we are not opposed to that. This is something that the TRT discussed from day one and every day going forward. And we have seen in the district some of the small miners coming forward asking for exemptions from the program. And I think the response of the field office has been very reasonable and that is, here, just take this free permit and you can come in any time you want. So it's not just for recreating. It's also for mining and for people who have other interests in that area. Makes it weird.

CHAIRMAN MABEN: Any other comments on this particular subject? Seeing none, Hector, I do have a favor to ask of you. I know you are under-staffed, but you have a great volunteer sitting beside you in the orange coat. We are getting a visitor kiosk on Jawbone Canyon. I'm sure you have more than just trail maps provided by your office. And it would be nice if there was a way to format those to go into that electronic kiosk so when our customers come, they can look at maps of all your district. Just a suggestion.

MR. WALDHEIM: Hector doesn't know that the kiosk is coming to Jawbone? MR. VILLALOBOS: Yes, I do. Maybe he has bigger ears than you thought. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

MR. WALDHEIM: We need his approval.

MR. VILLALOBOS: I'm okay with it and I think it's a great idea. We are looking at putting that at the Jawbone station. I thought it was already there and I said, wow. But yes, it's going to be -- I inquired about the fact that -- okay, what stuff is on it? There is stuff on it already and I understand there is an option to put our stuff on it.

CHAIRMAN MABEN: Yes. I want you to take advantage of that. I also at the Friends of Jawbone suggested the other day that the Mojave match program put out an informational piece for PSA on off-roading and Desert tortoises. And that would be a nice educational component to put on that kiosk.

MR. VILLALOBOS: To put the question of the fee to rest, we are going to look at it. Do we have to go to the R-RAC or can we get by with our regulatory provisions for our special recreation permit without that? We're looking at it.

MEMBER RUDNICK: Thank you, Mr. Chairman.

Hector, I would like to just follow up on what you had to say, Don. Ed Waldheim and I have promised each other to get together and really review the trails and the systems that are going on in the Jawbone and Dove Springs area and by the next meeting we will do that, won't we, Ed?

MR. WALDHEIM: Yes, sir. We will ask Hector to come with us.

MR. RUDNICK: Do we have enough room?

MEMBER BANIS: It has to be air conditioned.

MEMBER RUDNICK: I think that would be a very good idea. So by the next meeting we will have a little report for you. Also, a subject that we don't hear very much about anymore, grazing. And in your report you talked about 22 permits in the Ridgecrest area, grazing permits that have been reviewed. And you talk about one to be relinquished. Can you comment on that and why is it not offered to other grazers?

MR. VILLALOBOS: The one that's been identified to be relinquished is what we call the Pilot Knob allotment. It's over close to the Navy boundary between -- what used to be Blackwater Well, I think, in that area, on the east side. It's in a Desert Tortoise or on a Desert Wildlife Management Area, a DWMA. The folks that acquired the rights on that allotment is a Desert Tortoise preserve committee. And basically it's been -- I think it was an ephemeral allotment also. And so we have been looking at relinquishing that allotment.

They put in for the relinquishment of it some time ago. And I think our West Mojave Management Plan identified the opportunity to relinquish that. And there will be a process as I understand it when we do get into the action of relinquishing it, to go through the public review process. I know that there was an interest in that allotment many years ago by another rancher, but subsequently that's been kind of -- hasn't materialized maybe four or five years ago when we were going through the planning process on that allotment.

MEMBER RUDNICK: So at this time there are no other permits that are being considered for relinquishment?

MR. VILLALOBOS: Not in our area. There has been talk along the eastern Sierras there are a couple of permits up there. Where there -- north of where you are at. And that was because some of the conservancies were looking at acquiring some of the allotments there.

MEMBER RUDNICK: It seems to me -- and the door has been opened, I don't know whether it's by Congress or by who, to allow these permits to be taken by nonranching, noncattle or sheep people. Audubon Society I believe has one of them. Now you say this is the tortoise group has the PK's?

MR. VILLALOBOS: The Pilot Knob was acquired by the Desert Tortoise Preserve Community even before I got here more than ten years ago.

MEMBER RUDNICK: It seems like to me the handwriting is on the wall. Grazing was the primary use of the desert along with mining, and now it's one of the things that's being phased out. And it's very unusual to see all these endangered species, both animals and plants, being found in cattle and sheep ranges and the first thing they do is take the cattle or sheep off. Sometimes they are not considering there could be a symbiotic relationship between the grazing and the species that's in Kern. So I would like for you, especially in Ridgecrest and other parts of the desert, to consider those things. Thank you.

MR. VILLALOBOS: It will be important.

MEMBER SHUMWAY: And I apologize, Hector. I didn't think I got the agenda beforehand or I would have done a little bit more. Of course I'm going to ask about the arsenic studies. I know you had Cactus too. Were the tailings there unstable? Is that why?

MR. VILLALOBOS: Not unstable so much. It's the arsenic, lead and other metals.

MEMBER SHUMWAY: So there is a program now to systematically test all of the old tailings?

MR. VILLALOBOS: Oh, yes.

MEMBER SHUMWAY: I would like to remind everybody that arsenic levels at gold mining sites is not unusual. It's endemic of gold formation in the natural environment. Also, I notice that this is the same information we had last time about Darwin. I'm going to be going on a field trip there next month, but I have continued to hear rumors about economic interest in Darwin. Has the office had any inquiries about Darwin?

MR. VILLALOBOS: We haven't had any inquiries. But I know that there is some interest.

MEMBER SHUMWAY: There are plenty of resources that have been documented at high levels. But you are continuing to expand the testing of all of the gold sites?

MR. VILLALOBOS: Not expanding so much outside of those listed in my report. We have about half dozen, maybe plus or minus two sites out there that we are -- we have prioritized for continuing the testing efforts and testing to make plans for remediation of the tailings that are out there and/or other short-term mitigation measures that we are wanting to make, like building fences around some of those sites so we can keep the public out.

MEMBER SHUMWAY: So the primary measure is to keep the public out by fencing. At the Ruth mine area, there apparently was an instability because you are testing water there. And what are the results and are they available?

MR. VILLALOBOS: We have drilled some monitoring wells that were three wells that were drilled out there. Water was sampled. Our Denver office has the results of the water. From what I hear, they didn't find anything significant. There was concern because the tailings were in an area that may have -- where it may have gotten into the groundwater in that area. So that was the reason. And we knew that the community has been tapping into that groundwater for their water source. So that was the reason for the testing.

But from what I understand and I hear, although officially I haven't been notified of the results, nothing significant was found. And as soon as we are able to get the Denver office to give us the data and review the data with us, we will probably have a little public meeting with the community in Homewood Canyon that's near the Ruth Mine area and disclose that information to them.

MEMBER SHUMWAY: I would like to know when that meeting was going to be. Would that be available to the DAC members?

MR. VILLALOBOS: I will make it so you are notified. There are other meetings that we continue to have for the Randsburg, Johannesburg and Red Mountain. We have been almost having a quarterly meeting situation out there every year so we keep them updated as to what is going on with the remediation actions that we are trying to take.

MEMBER BANIS: Wild Horse and Burro program. We discussed the impact that the Wild Horse and Burro Program has on the financial resources available to the bureau.

Out of Reno, Nevada, the Wild Horse and Burro facility there is working with a local prison and is allowing some of the inmates to pretrain, essentially, some of the wild horses before they are being adopted as a way to maybe weed out some of the tough ones or work on some of the tough ones in hopes of getting them adopted.

I know we don't have a correction facility

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right outside the Ridgecrest area where your pen is, but I just want to say that teaming with different groups and different people of the community to perhaps pretrain some of the horses might help us in getting them adopted, and we would sure like to get more out to the people.

MEMBER RUDNICK: I think that's a good idea and Kern County has done that in the past. I don't believe you are doing it now at the prison.

MR. JOHNSTON: They've got it out at Litchfield, as well, but not currently.

MR. WALDHEIM: I want to make sure you all know this permit has to be certified or signed by a BLM representative, so what you have there is not valid unless it's signed in the back. So please don't take them and think you've got a permit.

DIRECTOR BORCHARD: After they pass the test.

MR. VILLALOBOS: I will quiz you on the information that's on there. I want into the
mike.

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to make sure

CHAIRMAN MABEN: I think there are BLM
you know representatives in the room.

MR. VILLALOBOS: I will be glad to si
where route 110 is. If you don't, I'm going to GILLESPIE REPORTING & DOCUMENT
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take this permit back. That's the route that goes right into Randsburg and it's an interesting route. So I will be glad to sign it for you. And really, I want to appreciate Kern County because they paid for the publishing of this. And right now it's free. But we are going to have to come up with a fee to pay for further education program. Okay, thank you.

CHAIRMAN MABEN: No questions from the public at this time, Mr. Hillier. Now there is a Needles report. Is there any questions for Needles?

MR. LEE: May I make a statement? Rusty Lee, Needles field manager. Yesterday I had been on board three months. But it's less than two. It just feels like three.

I wanted to offer an apology to the Council and to Roxie. I get migraines about every 4 to 6 weeks, and yesterday was one of those days, so I'm back today. My brain hasn't been hurting for about the last hour and a half. I'm a little dim-witted but for all of you that I missed last night at the social even, again, my apology.

CHAIRMAN MABEN: I thought you were stunned by the beauty of the Barstow district. MR. LEE: I did have a few short things to point out. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Flowers are hitting their peak in our area. So if you need an excuse to get to the East San Bernardino County, you have it right now.

We have the Greenburg permit I signed yesterday. The world speed record for land sailing was done in Ivanpah in '99. And the same group has decided to go forth and try to break their own record. So I think 119 is the speed they need to beat, and we are looking forward to that. Let you know some things going on in the Needles area.

MEMBER SHUMWAY: One quick question. The Ivanpah Solar, that has transmission lines associated with its approval process?

MR. LEE: No. Actually, what we have going there is Southern California Edison has a separate project they are referring to as the El Dorado/Ivanpah project. And they want to upgrade their existing power line between El Dorado Canyon, Searchlight, and Ivanpah Valley. And that's a separate process that SCE is doing at this point. It has just really gotten going in the last couple of weeks. I know they are going to public scoping on that. And most of it's in Nevada, but they're just enough in California that California will be the lead on the project, the California BLM will, because California Public Utilities Commission has more requirements and the regulations are more stringent. But expect to hear more about that in the near future.

MEMBER SHUMWAY: But just so I understand, so the Ivanpah Project is going to be intended to connect up with the SCE transmission project?

MR. LEE: Yes. And there are power lines through the facilities. There is a question about the ability to transmit that, the solar project on Ivanpah on the Nevada side line and several other proposed projects in the area. So --

CHAIRMAN MABEN: Seeing no further questions, thank you. We are a little ahead of schedule right now. I think it's a good time to stretch our legs, clear our heads and be ready on deck for Colonel Weston at 9:45 sharp.

(Brief recess was taken from 9:27 to 9:47 a.m.)

CHAIRMAN MABEN: Before we get started with the Colonel, one of my Council members had a request, and then I'm going to take a few questions from the public on anything that was reported prior. So Mr. Holiday, I believe you had a question.

MEMBER HOLIDAY: A few years ago we had an issue where we were trying to generate consistent GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

rules for recreationalists and what they burn and some of the other issues. And Steve Borchard was nice enough to generate a committee for us and Vicki Wood generated the rules. And we tried to get those implemented.

And the BLM hasn't been able to get those implemented, for whatever reason there is. And what I would like to do is have a motion from our DAC here to ask that the BLM make another effort to get those rules that were generated by that committee to be implemented so we have consistent rulings across the desert for the recreationalists.

So my motion would be members of the Desert Advisory Committee request the BLM to implement the special consistent rules that were generated by Vicki Wood's commission.

MEMBER BANIS: I would like to -- what were those three?

MEMBER HOLIDAY: The three rules were nonburning of any wood materials with metal in it, the 10 o'clock rules for noise, and no glass beverage containers.

MEMBER BANIS: Would this be for OHV areas or even on the limited use lands between the OHV areas?

MEMBER HOLIDAY: Everyplace.

MEMBER GUNN: I will second that.

CHAIRMAN MABEN: Any further discussion? Seeing none, all in favor, aye? (Voice vote taken.) Opposed?

MEMBER BANIS: Aye.

CHAIRMAN MABEN: Motion carries. Mr. Hillier, you had a question during the manager's reports.

MR. HILLIER: Gerry Hillier, representing San Bernardino County, although my comments are not related to San Bernardino County specifically.

The first is a comment. And I talked to Richard Rudnick during the break. When you talk about Jawbone Canyon, there is some court litigation regarding the allocation of use in Jawbone. And I offered to Richard to provide to him the background information on the litigation on the allocation. And I would be happy to do that as part of the institutional memory.

Second, a question to Hector. He made reference to the -- in his report to the Furnace Creek area and expended a considerable amount of effort in that area. And it's my understanding that that, as part of the Omnibus Bill S-22/HR 146, that is near passage, that it contains -- and I think it's an outgrowth of the McKeon/Boxer or Boxer/McKeon Bill -- a fairly substantial wilderness designation and transfer of land to the Forest Service. And I wonder if he could answer that or see if I have correct information.

MR. VILLALOBOS: I don't know anything about it.

DIRECTOR BORCHARD: I'm not aware, Gerry, of transfer between BLM and Forest Service in the Furnace Creek area. I haven't read -- John, do you know if anybody has actually looked at the current language?

MR. DEARING: The current language?

DIRECTOR BORCHARD: Yeah, that was passed?

MR. DEARING: I shouldn't comment because it would only be speculative, but I know the dialogue that went on before it, but the dialogue that I was aware of that was going on in committee did not include a transfer.

MR. HILLIER: The bill makes reference to maps. And I haven't seen the maps, so I just wondered if you guys knew something. And we will have to just wait and see like everybody else.

DIRECTOR BORCHARD: Yeah, I'm not aware of a request. The way BLM does map is a congressman will request that BLM prepare maps for them, and those maps become the property of the congressman. I do not have copies of any maps that BLM prepared.

MR. HILLIER: Okay.

CHAIRMAN MABEN: Thank you. Is there any other members of the public that has any comments or questions regarding what has been presented?

MR. WALDHEIM: Ed Waldheim. On the motion on the signing what Member Holiday did that was seconded by Randy Banis, I want to tell you the importance of making sure that everybody goes on line with the Off-Highway Vehicle Division and look at the grants. We have gobbled up 40,000 dollars worth of signs, just the Friends of Jawbones Friends alone this year in the Rands and Jawbones and Valley Springs area. It's a monumental task to do the rest of the West Mojave. And if you don't have the proper signage techniques, it's not going to get done. So please look at those things.

We are coming up with a prototype of an auger in the back of a pickup truck so a staff person can put it in a lot easier. So we are finishing up the prototype to make sure we can help. But you have to have it in the grants. And please look on the grants. And I gave everybody a sheet on how to get on-line.

MR. STEWART: Good morning, Council. John Stewart,
California Association of Four-Wheel Drive folks.

A couple of questions on the Ridgecrest report. It keeps referring to the Furnace Creek EA and Surprise Canyon EA as coming soon, coming soon. This has been going on for a couple of years now. I wonder if there is ever going to come to a point where there will be a final decision document on those two items.

Another one that has been hanging out for a long time with the El Centro office of the Devil's Canyon Environmental Assessment. We've been told, yes, it's coming up, it's soon, soon. But looking for a finalization of some firm dates of when we can expect these to be finalized. It's kind of a disservice to the public to keep the public unaware of a final decision for the length of time that these projects and reviews have been ongoing.

And further comment on the signage out in the Imperial County
in the eastern reaches of the El GILLESPIE REPORTING & DOCUMENT
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Centro office and also in the eastern reaches of the Palm Springs field office. I have been receiving a number of comments and complaints from people that when they see a sign, they come up there wondering what is going on. I would recommend that the BLM look at a better public outreach to let the public know what is going on. And these people living in the community, they don't even know what is going on in their own backyard.

On top of that, just new out of here -- and I have not seen it mentioned in any of the reports out of the -- I believe it would be -- I'm not sure if it's the Barstow or Ridgecrest field office -- there is another base expansion that has been proposed. The EIS, the Draft EIS has just been distributed with the Edwards Air Force Base. And I don't have a lot of information. It just came out and I have not had a chance to look at it. But it appears that nobody from the public or nobody from the BLM has mentioned this in past reports. And this has been dropped on us. We are wondering what is going on. Thank you.

CHAIRMAN MABEN: Any response to Mr. Stewart at this time. Seeing none -- yes, sir. MR. CHARLTON: Dave Charlton. I work at Edwards. I'm a biologist at Edwards Air Force Base. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

We have no plans of expansion going on. We have a repping program, and that might be where the confusion is. We have an individual who has been working on it for several years. And the purpose of the program is to buy private lands in the Kramer's Junction area and use those as a conservation easement so that they aren't built on so it doesn't affect the air corridors that we have working in conjunction with the China Lake.

CHAIRMAN MABEN: I do believe the issue Mr. Stewart is referring it to is to the east of 395 where an old Army Air Corp Base was in World War II that they are talking about for unmanned and uninhabited vehicles.

MEMBER CHARLTON: He is talking about Haas (as pronounced) Field.

MS. TROST: Roxie Trost, Barstow field manager. I am somewhat familiar with that project. It was owned at some point by Edwards and has since been fenced off. Hasn't had public access for quite some time. It would be a withdrawal that's under 5,000 acres. We haven't received any type of formal application at this time. So they are looking to actually have that back for unmanned.

CHAIRMAN MABEN: Anyone else?

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MR. LEE: Rusty Lee. I remember something I didn't mention in my brief. I have heard that Desert Express Draft EIS will be out in the next week or two. I have no factual information on this, but I have been told that the Federal Railway Administration has finished it. So I know as much now as everyone else in the room does, so keep your eyes open.

CHAIRMAN MABEN: It's going to be a fast train on a fast track. Colonel, I believe it's all yours.

COLONEL WESTON: Thank you, sir.

Good to go. I am Colonel Wes Weston, and I did ask that the mike move back here. I did not want to have my back to the audience here. I have Joe Ross here who is our program manager, and we are going to talk about the expansion or acquisition program, at least the design really, in an effort to educate you a little bit better about why. That's the first question is always why.

Just a little bit about me, not that you care. But I did start out in Twentynine Palms back in 1985, so I have been training out at that base for many, many years. I certainly served all around the planet, but I have returned there. And my current job, I'm more or less the City manager on the base. But the land acquisition also falls under me, so I have been working on this for the last 18-plus months, certainly something I never did in my career before.

But I have become very -- well, I'm not real knowledgeable. I'm never going to be a NEPA expert, but I have learned what that is. We have had a tremendous relationship with BLM so far. I thank Roxie and Mickey from Barstow for their assistance to me.

We hired Joe Ross here, who is a 32-year BLM rep, so he has been key to us understanding the process. And we spent the last 18 months to teach him how to be a Marine, and he is getting there. The haircut is getting there.

Again, if I didn't thank you before, I do thank you now for inviting me. And I would love to see the Council come out and visit the base. It's always one thing to read something or listen to me run my lips, but seeing what the Marines are doing out there really is an educational opportunity. And we'd certainly have some of the CORVA folks and other folks here to come out and take a look at our training.

Joe has a little brief for us and since I'm the colonel, I will make him do the grunt work and I GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

will kind of be like the sportscaster and I will add a few comments on the end. But I will say something up front.

When this program was first introduced to me, I said why? I have trained there my entire career. And I said, well, what is going on here? It's a pretty large base. But you know what? When we started examining it, there is a reason. In 1985 we'd sent a battalion out and we'd spend three day's working our way from one end of the base to the other. Just in my short career that I have been in, the frontage that a battalion, what 1100 Marines used to cover is now covered by 200 Marines today. So just the speed of our weapons, the vehicles we move in, the range of artillery and the speed of our aircraft, we are just much, much faster. And if you can peel back to 2003 when we went into Iraq, I was there for the initial combat operations, you can see the speed at which we move.

If you do an overlay of Twentynine Palms on Iraq, we are really just a tiny piece of that map. So my initial push into the country was a 13-hour drive. So that would have put us somewhere north of Bridgeport, truthfully. So it's necessary. We are going to show you what we are looking at. We absolutely without a doubt have no idea of what we are going to end up with. We are following NEPA, and that means you have a range of alternatives. We didn't just put them up there, so we came up with six. We put them up there because they will all work. No. 6 is "stay as-is." So we don't believe that that does work. It's suboptimal to where we are today.

The other five are just different ways of getting there. Some go west to east, et cetera, but each are a way of, we believe, achieving what we need for the future. You cannot look at today how we fight in Iraq. We are in an urban environment. We are in stability operations, basically helping keep peace and training Iraqi forces. You can't use that as how we fight tomorrow.

Our mission is to be prepared to take care of this nation and make sure we are secure. And that means we have to be able to do what we are doing in Iraq today. We have to do a more kinetic-type operation as you see in Afghanistan where we have an adversary who will fight us not only using IEs, but more kinetic operations. We have force on force to much larger forces, and all you have to do is peel back the international section of your paper and you can see what is going on in the world in China, Russia, Venezuela, you name it.

So I hope it will be a peaceful world for my children, but then again, our business is really to be that arm of the President and Congress in that time of need. So I think everybody understands that. So with that, I will turn it over to Mr. Ross. He will walk you through some slides here. I don't know if dimming the lights will help. Perfect. This place is high speed. Good.

MR. ROSS: Thank you, Colonel, and good morning. I think rather than present this brief on my knees, I will pull this mike up.

Also, the Colonel mentioned that I spent 32 years with the BLM. Just wanted to clarify that 30 years of that were cleaning toilets -- not necessarily. But I did start as an outdoor recreation planner, so I am a large proponent of outdoor recreation, multiple uses on public lands. I moved into planning and environmental coordination early in the seventies and early eighties. And I spent time working in Oregon and Nevada in numerous capacities and supervisory management capacities.

But moving on to the Marine Corps has brought a whole new set of leatherneck lingo and acronyms that I have had to pick up quickly, and Colonel has been an excellent mentor for me in that regard. And also the inch-thick USMC Marine Corps dictionary available on-line with all the slang terms and acronyms and everything else. But appreciate the opportunity to come today to speak to the DAC.

And as the Colonel said, appreciate the great support we have received from the Barstow field office, Roxie, Mickey particularly and their staff. We have the BLM on board as a cooperating agency with us in this effort, as well as the Federal Aviation Administration.

What we have on the first slide is the large formal title for this project, Land Acquisition and Air Space Establishment, both being very important in support of what we call a large-scale MAGTF Live Fire Maneuver Training. MAGTF refers to Marine Air Ground Task Force. I will get into a little later to exactly what that means in terms of Marine Corps doctrine and training.

And actually, our official title at the base is the Marine Corps Air Ground Combat Center or MCAGCC. And we have a second command at the base, which is Marine Air Ground Task Force Training Command. So our Commanding General there, who is a major general, a two-star general, reports to two different commands at the base, one on the training side for education and training; and on the other, the installation side, because he is running one of the few centers within the nation where live fire and combined arms maneuver and combat training are conducted for military of various branches. We have, of course, National Training Center where that type of activity occurs, Fort Polk in Louisiana, and Nellis Air Force Base.

So today basically the purpose of this quick brief is to review the requirements and our project study effort to date. Get everybody up to speed on that. Inform everybody about the application the Marine Corps made to BLM to segregate public lands. Discuss the issues and concerns of stakeholders, set our project timeline, answer your questions, and of course, encourage everybody to submit written or oral comments.

Okay. What is the Marine Air Ground Task Force? Every branch of the military has an obligation under law to be properly trained and equipped. It's basically a moral obligation. But there are some unique Title 10 requirements of the Marine Corps, Title 10 being the codification of requirements of the various military branches.

First of all, the Marine Corps is unique in that it has to operate as a combined armed force in the three different dimensions, land, air and sea. And thus it has to also be as, you see in the quote, ready at moment's notice to perform any other such duties as the President may elect. And therefore, the Marine Corps, as you may know, has become known as the nation's force in readiness or America's 9-11 force, and those are unique. So this is sort of the capstone concept that drives the current training requirements. It's called Expeditionary Maneuver Warfare.

And Expeditionary in the sense that the Marine Corps was initially formed on November 10, 1775 as the expeditionary arm of the Continental Congress. So there is a long history of about 233 years of the Marine Corps. The term "expeditionary" to the Marines means they have to be ready to deploy immediately into austere environments, into chaotic situations with what they have in sort of a come-as-you-are type of environment.

Now, the other half of this concept, maneuver warfare, talks to the fact that the Marine Corps organizes its forces so that they can move with speed, with tempo, with agility, and they are always mission-oriented in terms of how they organize as a unit to quickly engage an enemy force with what is known as "maneuver warfare."

So the three types of Marine Air Ground Task Force or MAGTF are, first of all, the smallest, which we call the MEU or the Marine Expeditionary Unit. These are the types of units put together to promote peace and stability, and they range in size from 1500 to 3,000 personnel. And they are basically sized around a battalion, which is the ground combat element of the Marine Corps, with a similarly sized air element.

And we also have an associated logistics group, which are the beans, Band-Aids and bullets people, to make sure the units are supplied with necessary ammo and shells. And we have the command and control element, which is the fourth arm of any one of these types of MAGTFs.

The one we are focusing on today with this particular project is known as the Marine Expeditionary Brigade or MEB. This is the type of force that responds to a number of small or medium-scaled crises throughout the world. And it ranges in size from about 3,000 to 20,000 personnel. And it's sized around a brigade for its ground combat element and a similarly-sized air element, logistics and the Command's control element.

And finally if the nation is ever faced with major theater war, then the Marines are ready to go by putting together a MEF or Marine Expeditionary Force, 20,000 to 90,000 personnel, as you can see, is built around a Division Wing Team with the associated logistics group there. They also have a special purpose type of MEGTF for specific missions which involve humanitarian and disaster relief.

So the basis of our MEF training requirement for that Marine Expeditionary Brigade sort of began with an operational division formulated by the late sixties where the Department of Navy was starting to do testing with small strike teams that were amphibious based.

And the Navy in the late 1980s started doing research and studies that identified their need to switch from more of a blue water focus to a littoral focus. What that means is the fact that within the next few decades, 60 to 70 percent of the world's population are going to be living in the coastlines around the world. So the MEGTFs of the Marine Corps, basically with that speed, tempo, and agility, would want to be able to not only be amphibious based, but be able to attack into a littoral region which requires an enemy to basically defend their coastline at numerous points, which basically spreads out their capabilities and capacities.

Sir, did you have something you would like to say?

COLONEL WESTON: Yeah. I will try not to make this awkward. If anyone here doesn't understand some of these terms, please put your paw up. When we say "amphibious," it means on ship. So basically, those guys are floating. We have three units, one is off the east coast and one is off of the west coast and one out in the Pacific. They are constantly -- are always out when we have a neo or an evacuation of embassy, those are the guys you see on TV. They're ready to go. They are usually the first force in.

Our MEB similarly has shipping, so we have Naval shipping is how we moved to war. We moved as MEBs. We have a MEF. We large forces in there, but how we get there is either we travel on Naval shipping or we will fly into an airfield in a country or a benign airfield in an area next to the country we are going to. And we have entire equipment set for that MEF on shipping and that's stationed out of Diego Garcia, and we have another squadron in the pacific out of Guam.

That's how we go, so that's how we maneuver. So this is the force we fight with. And if any of these terms are, like, what are they talking about, just ask for clarification. And it's our own language and sometimes we don't even know we are losing folks, so anyway -- all right, Joe. I will try to sit down.

MR. ROSS: It's very important to get sort of a foundation so that we can go from there to terms of what our project entails. But basically in the mid-1990s the national security strategy for the United States identified that shift in our overall national security environment from a Cold War to one that was more uncertain. So we have to not only be ready for any type of specific threat-based deployment, but have to have the capabilities and capacity to be available for that immediate deployment. So that's what sort of transformed our national security strategy in the mid-1990s. And then our national military strategy, the joint and service level doctrines respond to our security strategy.

So we have to embrace a full spectrum of capabilities for our Marine Corps operations. So we GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

also put out a visioning document which laid out the way ahead, which was called Marine Strategies 21. It's a real key document. But it identified those MEBs, again, the Marine Expeditionary Brigade that are so prevalent in today's security environment. So whether the Marines are called to go to Haiti, Granada, Korea, you name it, that's the type of force that we are going to be seeing deployed in most cases most likely in the future, and this was a bit of a doctrinal shift.

So what we did about 2003 was we initiated a study with the Center for Naval Analysis to determine what the member training requirements are and what environment is needed to train the member and finally to assess the ranges throughout the entire nation as to where the opportunities are to actually do that training.

So in 2004 the CNA, Center for Naval Analysis, published a total of four reports during the course of the year that assessed those very things, what the requirements are, what the environment was, and what the ranges' capabilities are throughout the nation. And what they concluded in 2004 was that the Marine Expeditionary Brigades require, in a field exercise, require that ability to go out there and practice with combined arms, live fire and maneuver just as you would with a professional football team. You wouldn't ask them to go into a room this size and learn all their plays.

So the command post exercises which were conducted outside the field, were no longer safe for training those members. They also looked at the entire nation and they determined that in the Southwest, it was the most supportable area for training that MEB, but the distributed operations, using small units distributed with their various command and control structures and technology, as well as representational forces, would still be needed unless somehow Twentynine Palms expanded. So we had that assessment and research done, and it gave us sort of an indication of what we needed to do in terms of this particular project because no range of any service had that sufficient size.

And also as part of this, they concluded the training for multiple battalions moving onto a single objective operation required both air space and land maneuver to accommodate all of those battalions and those other three associated elements we were talking about: The ACEs, or the aviation combat element, the logistics element, and the command and control elements. And the way we train, just as we fight, is that the Marines start with a slow operation in a crawl mode; they start moving faster into a walk mode; and on the last day, the last couple days of the large-scale exercises, they are running and converging on that single objective in order to bring all their associated elements together and make sure that everything has been deconflicted in terms of the communication and coordination between them.

So what the Marine Corps then did was we informed the Congress we didn't have a range large enough to accommodate that type of training. And we took it before a number of our generals that make up a Marine Requirements Oversight Council, called the MROC, and they approved a study to go forward with this potential land acquisition and air space establishment. But it wasn't approved yet to move forward because we had to go before the Office of the Secretary of Defense and obtain a waiver, because any base expansion within the nation, say, of over 1,000 acres requires a waiver from the Office of Secretary of Defense because we are basically cognizant of the public sentiment and outcry when a base anywhere within the nation really determines the need for some type of expansion. But the OSD did give us that waiver in 2007.

And I might say that what we are basically operating under today with this Military Land Withdrawal Project Application that we submitted to BLM is a particular act known as the Engle Act of 1958. And there was a California representative, Mr. Engle, that at the time in the mid-fifties when he saw that all the military services within California were proposing 14 million acres for acquisition, his quote was "The military are awful landhogs." And that was the situation in the mid-fifties, and it led to the passage by Congress of the Engle Act in 1958 which now requires Congressional approval of any land acquisition of greater than 5,000 acres.

Any questions so far? I'm just about through this technical Marine Corps information and moving into some of the things that are more specific to people that are tuned in to the maps and the land base within that area around the Marine Air Ground Combat Center. So our initial studies looked at a footprint which was rather large and took into consideration many different courses of actions or COAs to the north, south, east and west of the installation there.

Basically, we found in those initial studies that lands to the north of the Combat Center were unsuitable for potential expansion. Why? Because of the undulating terrain there. And the gas pipeline that runs north of the Combat Center, and the historic mining district up in there, those kinds of issues.

So what our initial course of action study area entailed were about 566,000 acres. Then we built in some evaluation criteria that basically asked the question, Would the lands contribute to those Marine Expeditionary Force training goals? Specifically, how could we provide three battalion-sized maneuver corridors that would lead to that single MEB objective by the last day of those large-scale exercises in the culminating events.

Secondly, how can we permit 48 to 72 hours of sustained offensive operations? And thirdly, how can we permit safe combined live fire maneuver out there to train the MEFs. We can -- currently we can run two battalions for about 36 hours. But these are the criteria and requirements that the study and research were indicating were needed to fully meet the MEB training requirement.

We looked at lands in terms of whether it presented any unreasonable physical training or GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

environmental constraints, and we also built into the equations whether there were any equipment or operational issues that may restrict training.

Established wilderness areas were not included, and we understood that there were many battles fought for years and years. And most of the wilderness within proximity to the Combat Center were designated in 1994. And we were also informed that --by certain Congressional representatives that wilderness should not be put on the table either. But as part of that, the Marine Corps had felt if we would have gained a very high and significant value from proposing uncovering of wilderness, we would have gone forward with that. But in fact, our analysis showed that we wouldn't gain much more than some additional maneuver space if we had requested the undesignated wilderness such as Sheephole Valley or Cleghorn Lakes.

So basically what we submitted to the BLM, the plan in mid-August, included some lands to the east, west and south. And we are still looking at other alternatives as part of our public scoping process. But the bottom line was the total number of applications or acres came to 421,000 in that application submitted to the BLM.

And what was the effect of that? Basically

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within 30 days BLM really stepped up to the plate, and we appreciate that, and worked with us. They issued their Notice of Proposed Legislative Withdrawal on the Federal Register on 15 September, '08 and that put in place a segregation of public lands within our application, approximately 366,000 acres of public lands and an additional 507 acres where the federal government has subsurface mineral rights. And that put into effect a two-year time line through September 15 of 2010 for us to move forward with the study under the National Environmental Policy Act.

And segregation -- I think most of you may already know -- that means that during that period, licenses, permits, cooperating agreements and discretionary authorizations can still be issued on those lands that are subject to the segregation. And BLM and Marine Corps are working together with stakeholders during that period. And land access and recreation can continue during that the study period. It's just certain types of uses that would have to be put on hold and held in abeyance until some type of decision was forthcoming on this project.

BLM asked us to work with them on holding some public open houses on a fairly fast track. So we held a couple large open house public meetings in Twentynine Palms and Victorville on October 23 and 24th of last year. And we continue to work closely with BLM and the FAA on our commencement of the Environmental Impact Statement.

And the bottom line here is that if a Record of Decision down the road ultimately recommends lands for withdrawal, BLM would be the ones preparing that ultimate proposal and legislation for congressional and presidential consideration. A Record of Decision issued by the Assistant Secretary of the Navy will really encompass what our recommendation is at the end of the NEPA study.

So the stakeholders that we have really engaged number in the hundreds. You can see the list there in terms of the many types of stakeholders we have chatted with and gone to meet with and that we received letters and comments from. And at this point I just might say that we are proud of our environmental stewardship at the base. And I will mention something about that later.

But I know a lot of folks are interested in what the EIS scoping process showed because really, public comment was being accepted for a four-and-a-half month period because subsequent to BLM's issuance of their notice in the Federal Register, that began a 90-day comment period on September 15 of 2008 that ran until December 15. And then we subsequently issued our Notice of Intent to prepare the EIS on October 30 of 2008, which began a 90-day comment period that overlaid to some extent the BLM's 90-day comment period.

And our outreach consisted of notification letters to 168 legislators and agency reps; we published ads in four newspapers; we issued official press releases to all the local media sources. We sent out scoping and meeting notification post cards to about 900 contacts. These were largely people identified as having some type of encumbrance, whether it be private land or mining claims that's in one of our study areas. And that information was provided by the BLM, and we conducted a number of briefings to groups and association.

Three public scoping meetings were held in early December, Twentynine Palms, Victorville and Ontario. We have also had a number of meetings and discussions with the FAA. Just met with them about a week ago or so up in Seattle with their Western Service Center operations support group.

Bottom line here is that we received nearly 10,000 comments in terms of our forms that we put GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

together and handed out, letters and e-mails. That included comments that were rolled into our scoping process from BLM's initial 90-day comment period that ran until mid-December. We received a petition to preserve Johnson Valley, also suggesting the de-designation of wilderness signed by nearly 85,000 people. And also a petition from the Park Service signed by over 3,000.

And we will have a scoping summary report completed -- well, the date has changed slightly on this to mid-April, late-April just because of the voluminous amount of comments. And we want to make sure we give all of them very close perusal and scrutiny. And the public scoping meeting overview used the open house format. We heard a number of good comments about that type of format because it did facilitate some one-on-one discussion, question and answers, back and forth. People weren't timed in any way in terms of how long they wanted to stay. People like Harry and Helen Baker I think attended all three and were usually the first to arrive and some of the last to leave. But it allowed stakeholders to meet each other as well and chat informally and meet each other, which was great.

A few facts and figures. I know some people are more into these kind of details. But what happened at each of those scoping meetings, we had about 124 attend the one in Twentynine Palms on December 3rd. You can see the number of written comments. We also had a court stenographer there that again would accept comments orally in an untimed fashion as long as people wanted to talk to them and we read those comments closely.

In Victorville we had close to 200 people attend, 100 written comments received there, 35 also on the oral transcriptions. And in Ontario, close to 350 came and received 254 written comments, 50 oral. These are just a snapshot of these three public meetings. Of course, the majority of the comments came via the e-mail generators and other kinds of high tech products out there to communicate with us. Then again, as I mentioned earlier, we also participated jointly with the BLM at those open houses in October.

A few folks like to see what we are summarizing from these public comments. This data is preliminary until we publish our final public scoping report. But you can see close to 50 percent of the comments were against the Marine Corps doing any expansion west of the installation, about 10 percent against the south, against the east, and I think we had maybe less than a dozen come in which supported us going west. So there was really no blue line showing up on that particular for going west of the Combat Center.

We also had a number of questions we put into the "other non-specific" and "other" category because they were more talking to co-user or joint-user situations or the de-designation of wilderness area. The types of stakeholder groups giving us this feedback during the 90-day scoping period came primarily from the off-highway vehicle community. Close to 70 percent of our 10,000 comments are registered to those folks. But certainly we heard from other recreationalists, property owners, business owners, environmental organizations, and individuals that were expressing those specific concerns.

And issues of concern, we grouped into certain categories: Largely close to 50 percent dealt with land use issues, recreation and availability of some recreation in various areas near the Combat Center. Socioeconomics and effect of rural lifestyles and local businesses and economy in some of the towns and communities around the Marine Corps base, biological resources, you can see.

Well, basically stakeholder engagement.

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What we are trying to do as part of our overall vision is listen closely to everyone, document concerns, meet with our stakeholders regularly, coordinate closely with BLM. Also meet with the FAA and aviation industry. We consulted with Native American tribes on various occasions, discussed issues of concern with various agency staffs of the State Land Commission, State Office of Planning and Research, Fish and Game. We have met with energy companies regarding their potential energy developments.

And we are also proud of our outstanding environmental stewardship. We actually have a tortoise captive breeding center at the Combat Center where for five years we raised the small tortoises before releasing them. And also we have a curation facility for paleontologic and archaeological sites on the base. We have done a large amount of survey over the entire installation.

So we are committed to public engagement, and we will work with all stakeholders throughout this process, which will take a number of years to fully identify any of the issues that are substantive, develop that range of reasonable alternatives for NEPA study, analyze the environmental impacts, identify the potential mitigation where appropriate. And that may be a point where we will be coordinating closely with BLM to help us look regionwide for potential mitigation that needs to be built into the EIS.

So really, our path forward, we will have completed all the biological and cultural surveys in the study areas by January of 2010. Subsequent to those surveys, of course, we will prepare a biological assessment and get that to the Fish and Wildlife Service. They have, I believe, 135 days to prepare the biological opinion. I mentioned the scoping meetings that were held. By early May we will have our description of our proposed action and that range of reasonable alternatives clearly fleshed out. That really pertains to both the purpose and need and the Chapter 2 of the EIS.

We will get that Draft EIS out by the summer of 2010. There will be a 90-day public comment meeting period with meetings that follow the release of that Draft EIS. The Final EIS is scheduled to be released in the spring of 2011, and that will have a 30-day public comment period following that. The signed Record of Decision is targeted for the fall of 2011. The proposed legislation and congressional approval may happen -- it's hard to say -- 2012. And if necessary, we will undertake any purchase of private and state lands as needed.

This is sort of a visual portrayal of that time line with the red arrow that you can see basically right up there indicating where we are at now having completed the scoping. And we are into the preparation of the Draft EIS mode. And ultimately we will put out the Final and issue a Record of Decision and go from there.

At this point, Colonel Weston and I would be happy to answer any questions.

CHAIRMAN MABEN: Can we get the lights back up, please? Maybe going to exercise the chairman's prerogative and ask the first question.

Yesterday on our tour of Johnson Valley I talked to a few off-roaders. And they were not aware of the restrictions presently you guys are suffering on the Twentynine Palms itself because of environmental issues. Are you getting the message out of the percentage of the base you can't use currently?

COLONEL WESTON: I think we have had that in some of our briefs. We do have a protected tortoise area. We have our well areas to the east, which are unusable. Other areas we consider unusable for maneuver are because some of the terrain. And where we have a mountain, you can't drive vehicles across. So we only have about 60 percent of the base the land you can actually drive on. So even as it exists today, 40 percent is unusable either because of a natural resource, petroglyphs, our boundaries. would say we have a safety zone that runs along the perimeter of the base to ensure that we do not encroach on the public areas. So we work with about 60 percent. And you probably get a feel for just how small the base does get.

CHAIRMAN MABEN: Thank you. I appreciate if you keep getting that word out. I think it will help get the picture out that you don't have a lot of the space you are wasting.

With that, any other Council members have comments?

MEMBER GUNN: When I looked at the outline of those mountains, I keep seeing -- it may not be there. But I keep seeing the Sheephole Mountains. I have a two-part question.

It was mentioned that Sheephole Valley would not be included and wilderness areas would not be included and the Sheephole Mountains are wilderness. Would the expansion include the Sheephole Mountains? And also, would it include the (inaudible).

COLONEL WESTON: Part 1 is no, it does not include that wilderness area. Part 2 in that particular alternative, which we don't know if that's going to be the one chosen, Amboy Road does run through the area. So if -- and it's a big "if" -- we don't know if this will go east-west or go away. If it did go that way, we would basically shut the road down for a period of time while we move the forces across and reopen it.

We do that today in Camp Lejeune down in North Carolina. We have a public road that runs from Steamsberry down to -- where did I use to live? The other end of the base, too many tours going. So we will shut it down with the military police. We will put public notification out. Let folks know what the detours are for that period. Once the forces cross, we open it back up after maneuvers. So it's a workable solution, but it would be speculation at this point to say we are going to go that way. But a direction to us is we do not look at any wilderness area.

MR. JOHNSTON: Ron Johnston. Just a couple of questions. And I'm glad you brought up the Amboy Road situation. That's Route 66 road.

COLONEL WESTON: No, Route 66 is to the

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north of the base. We have absolutely no designs on anything near Route 66. Our areas we are considering are far to the south.

MR. JOHNSTON: I don't remember what I was specifically -- having a senior moment, I think.

CHAIRMAN MABEN: You want to take a break while you recover?

MEMBER SHUMWAY: I have a couple of questions.

The tortoise area that is precluded from being used on -- the tortoise area on the base, could you use that area? Is it usable area?

COLONEL WESTON: No. Because it --

MEMBER SHUMWAY: No, you missed my question. My question is, If there were no tortoise there.

COLONEL WESTON: Yes. Absolutely.

MEMBER SHUMWAY: So it's a usable area?

COLONEL WESTON: Yes.

MEMBER SHUMWAY: How large is it?

COLONEL WESTON: If I had a map I could tell you how many grid squares in a heartbeat.

MEMBER SHUMWAY: You never even considered any wilderness areas, including areas on the base classified for habitat. My comment then -- I hope this sounds not illogical. But it seems to me that the citizens of this country, the county, our Congressmen, should at least be asked to and I think that would include considering reclassifying some wilderness areas for military use. We all know that tortoise can be removed, relocated. Yes, it's a difficult problem, but if it would support the military, than this is something that our citizens and Congressmen should consider.

So I think that it's a mistake to categorically exclude wilderness areas when this is in support of our national security. And I think everyone should be asked to support that effort, not just a certain group, the recreationists in this country. In my business, the mining business, when we want to disturb areas, we are asked to mitigate. If we disturb habitat, we are asked to mitigate as high as 5 to 1. So if we have sensitive species or habitat we are asked to mitigate and that usually includes identifying lands that will support that habitat and if necessary relocate. And you will reclaim your site anyway, but the lands that you identify at some agreed-upon mitigation rate -- one to one, five to one acres disturbed -- will be either deeded to the federal government or some other conservation agency.

There are various ways for handling that. But we are asked to do that.

I think the military as an agency and the citizens of this country, including our Congressmen, should be asked to do a similar thing. If it indeed comes down that expansion into all or some of Johnson Valley, taking away especially these unique off-road experiences for our citizens, are indeed taken out of public access, then the military and the citizens should be asked to provide that community with some mitigating areas at an agreed-upon rate, one acre, ten acres, whatever it is.

And there are -- I know for a fact that there are other areas that may not be the same but are similar in wilderness areas. Not one sector of our community should be asked to sacrifice, and that's what I see is happening here. In my industry we have a history of working with the military to develop some resources, so this is something that can be worked out by agreement and contracts. But for the rest of the communities who use this land and live in the land, this is not a possibility. So I think for our government to ask our citizens to give up something without any kind of mitigation or payback is a mistake. Thank you. That's my question.

CHAIRMAN MABEN: That was a statement, not a question.

MEMBER SHUMWAY: I asked two questions.

COLONEL WESTON: If I may make -- just to amplify comments.

First of all, the area that we have designated for Desert Tortoise is very, very small, probably less than 1 percent of the base. It's in the Surprise Springs area where we have wells. So the tortoises are happy there and we are happy with them there. We really -- could we use that area? Yeah, but it's really not -- we have wells over there so we kind of stay out of it. And it's actually been designated, at least on a map -- I can't tell you the legal side of it, but ever since I trained there back in '85, it's always been on the map and we know to stay away from there.

MEMBER SHUMWAY: Excuse me. Dinah Shumway.

My point was that I used the tortoise simply as an example of other wilderness areas that you say are not usable. If the areas that are not usable because of habitat or critters could be used, how much would that be, and maybe it's worth it to look at trading those out for some other mitigating area.

COLONEL WESTON: Right. And my point was other than the Desert Tortoise on the base, we have no other restrictions.

Now, Sheephole Valley or other areas around us, again, not owned by the military and certainly not within our purview to offer or to ask for. We identify alternatives, a range of alternatives to get there. If Congress decides to undesignate as a mitigation measure through this process, then it's certainly up to Congress.

MR. JOHNSTON: I made copious notes. On the survey results and the graph illustration that you showed of it, were those responses just from the public meetings, or did they include responses from e-mail, written correspondence and et cetera?

COLONEL WESTON: Everything we have received. All sources.

MR. JOHNSTON: All sources. So what is the feeling of the Corps, considering that the responses were so absolutely predominantly negative? Does it not mean that maybe you haven't sold this very well?

COLONEL WESTON: Well, we had a public engagement. I know that we have been to the Hill. We GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

have talked to Congress. We have put out information in the press; we have had the public meetings.

As a matter of fact, we are going to have an article, I believe, in a Sierra Club publication coming out this summer. So we have worked very hard, at least on our side, to try to get the word out publicly. If you have better ideas on how we can get the information out to other groups, we are absolutely transparent. We are no dummies; we studied other programs. We went to Fort Irwin and Pinion Canyon and said, Why did this go so horribly? What went wrong.

A couple of very, very key things. One, mixed message. A commander would come in and he would rotate and the next commander would come in and the message would change. The public had no idea what was going on. Nobody talked to the ranchers or nobody talked to the environmental folks. So the communication side of it was broken.

So we entered this program with the thought of absolute transparency. We will lay it on the table and tell folks exactly why we want to do this and what we're looking at in this. And we have strived to have an open communications medium with our press releases, via the Internet, we have a Web site established. The meetings. When we are asked to attend meetings -- we have been to visit CORVA. I spoke at the Lucerne MAC. And again, wherever we are invited to come, we go and try to get that word out.

MR. ROSS: In the case of Pinion Canyon and Fort Carson in Colorado, there was a large amount of taking of public lands -- or private lands involved through the use of eminent domain. And I did want to break the news, hopefully today formally, that we are planning to relinquish some of the lands currently segregated back to the BLM as part of our continuing analysis of our training requirement and the value of trading lands that are currently segregated. And also in response to public comment that we could have tightened up some of our study area boundaries, specifically at the south end of our south study area, and at the south end of our west study area.

We are going to be informing the BLM soon in the next couple weeks, as soon as we inform the Hill and local and regional leaders, just so that they are not taken by surprise. And we are already working with Roxie and with California State Office Realty Staff to clarify the legal locations of the lands that will be relinquished from the segregation at present.

And on the east study area specifically, we received many comments from the public at meetings and GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

in written form as to what is the training value of the lands north of the Burlington/Santa Fe Railroad, for example. And we had to think about that hard and realized that if we didn't study that further, basically, there wouldn't be a problem. We could still meet our training requirement and objective with our east study area. The same goes to Amboy Crater and the lava field associated with that. And the Marine Corps does not covet any large craters and lava fields for our training. So we refined that, obviously.

But enough on that topic because I'm not ready to formally show any maps. But the BLM will be informed in about two or three weeks about what areas, and we are talking about thousands of acres here, that will be basically unsegregated and we will follow up with BLM's Federal Register notice to do that formally.

COLONEL WESTON: So the point is that we would like to make -- we are listening. And as we receive those comments, if we can modify and still meet the mission -- again, we can't ask you or ask the public to even examine this if it doesn't work. It's all based on us being able to get those three battalions out there and maneuver. But there is some play. And where we have been able to relinquish to some of the private property owners in other areas, we have and will continue to do that through this process.

Absolutely, what is on the map in the beginning and what we end up with at the end, if we end up with anything, I'm sure it will be quite different. So it's part of the process.

MR. ROSS: I did bring three handouts with me today, and we put 20 or 30 copies back at your information table. There is a two-page fact sheet about this particular project, if anyone is interested in that. Some of you that attended the scoping meetings saw those as well as a NEPA process handout with the milestones for working through NEPA. And the most recent one that we just issued in early March is a current project update notice.

And again, to keep our publics informed, we plan to be issuing these update notices every month or two as necessary and posting those on our project Web site. And I brought about 30 copies of those today that basically summarize a lot of the key points I made today verbally.

CHAIRMAN MABEN: We will continue with Council. GILLESPIE
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MEMBER GROSSGLASS: I wanted to comment that I thought you guys have done an excellent job with public outreach and you have both been very available. I have had many, many conversations with Joe about the NEPA process, and I really appreciate it.

MR. ROSS: Thank you, ma'am.

MEMBER BANIS: I, too, want to thank you for your commitment to the mission of openness for the public. It will be much appreciated.

A question: Are you by chance conducting mailing lists for these documents?

COLONEL WESTON: Yes, sir.

MEMBER BANIS: They are going out regularly? E-mailing list like E-news or E-mail regular updates, perhaps? I might want to suggest --my point is to push more data as opposed to require people to come and pull data. I think the pushing will be more received.

COLONEL WESTON: I know, obviously, when we first start the looking at parcels, we identified who was the property owner. And we certainly hit that target group and we have worked through the different groups. But absolutely, the more we can get out there the better. We absolutely are committed to transparency.

MEMBER BANIS: One of the reasons I like things being pushed to us more is that it can be pushed in small bite-sized chunks over time periodically as opposed to large messages that come weeks and months apart that folks don't have the time to read right through. So again, the little tweaks and little periodic things will help people digest.

The second point, if I may, is I believe that the potential impacts of this acquisition could be more far felt than simply Lucerne Valley and Victorville. I might encourage you to take the road tour. Maybe into the urban environments of San Diego, Los Angeles, maybe even up so far as the Ridgecrest area because those OHV areas will see greater visitation in the event that the OHV area at Johnson is reduced. So I think the impacts could be more widespread, and you would have an opportunity to put that message out in a more wide way. Thank you very much.

CHAIRMAN MABEN: At this time, no further Council questions. I will take questions or comments from the members of the public. So one at a time, please, and keep your message short.

MR. WALDHEIM: Ed Waldheim, president of

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the CTUC.

I want to thank Joe and Pat. When I met with the Commandant in Washington, D.C., Duncan Hunter's office and when this first broke out February 25, Mike Pool was kind enough to put me together with Joe and Pat. And we started meeting on a regular basis from the beginning. And I want to tell you how fantastic it was. At the first meeting we didn't do any business except to get to know each other. And the Colonel came in later on and we presented the things at the war room at the Marine Base, and the cooperation with them has been incredible.

I want to especially thank Harry and Helen Baker, who have taken the brunt on behalf of the Partnership for Johnson Valley, which is a division of CTUC. They have practically submerged their entire life into this process to work with the local community. The effect that happens on the local community is absolutely tremendous. I want to also thank Joe for doing the withdrawal not on Johnson Valley, per se, which was the original plan, but thinking about it for two or three months and then doing the overall basis so that we can get a good picture to find out the overall picture.

So without that cooperation, without the leadership that we had from the Partnership for Johnson Valley and the Bakers, that would have never happened. So I want to really thank them for that.

We still continue to be very, very concerned about Johnson Valley. There is absolutely no way that we here in the State of California, the people in Southern California could absorb the loss of the almost 1 million people who utilize Johnson Valley and other areas. Hector's area is being practically run over. California City is being run over. Roxie has areas that she can't handle all the people in there. El Mirage definitely not handle it all.

So the cumulative impact that's taking place -- and I don't think we have really done a good job of really clarifying or figuring out what is the cumulative impact that will affect it. Let me put it in perspective. In 1971 when created the Off-Highway Vehicle Program as we know it today, in there was a little bill portion that said we will create a state motorized trail system. All we were going to do from Mexico to Canada or Mexico to Oregon was designate an existing trail -- existing trails. The Sierra Club stopped us from designating existing trails because we had not done a cumulative effect of what that trail would --

CHAIRMAN MABEN: Ed, can you summarize because other people want to talk.

MR. WALDHEIM: Well, this is one of the most important things that possibly could happen. So what we need to do is, as Mr. Banis said, is reach out. Council needs to ask the military to come up with a cumulative effect on what this would mean if we were to lose Johnson Valley on the over-reaching areas. It will be mind boggling, and that we have not done. Thank you.

CHAIRMAN MABEN: Thank you. Next speaker, please. Colonel, you want to respond?

COLONEL WESTON: If I may just respond. I'll be quick because I know you're intent on time.

Just a couple things. No. 1, NEPA requires alternatives. That is federal law. So just a correction. It was never about just Johnson Valley. By law we had to look at multiple areas. And part 2, part of the NEPA EIS process will be to examine all those things. And certainly that's why we are looking at the economic impact to Lucerne and all the various interests, so that process is coming.

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it for you.

CHAIRMAN MABEN:
hold on a

Mr. Stewart, would you

MEMBER GROSSGLASS: I believe Ed is talking about the cumulative effect. And I know there are several organizations that in their scoping comments asked the military to study the cumulative effects of the loss to OHV, so that will be done, I'm sure.

COLONEL WESTON: Correct.

MR. STEWART: Good morning, Council. My -- actually, it's interesting looking at the way the breakdown of the comments were, and that 35 percent of the comments dealt with public safety issues. And subsequent to the close of the comment period there was a tragic incident in San Diego County where a Marine Corps air jet actually crashed into a residential area, killing four people. While this is -- yes, it's an isolated incident. It's not a regular occurrence, but it does show that there is an existing danger whenever air craft in military operations are being flown at low levels at high speeds over residential areas, because these have been reported in the Camp Lejeune area, again, another military training area where aircraft are involved.

These type things I'm hoping that the Marine Corps is going to be open and honest in the fact that they admitted that in public, and quite frankly, it came from the Marine Corps Commandant in Washington, D.C., that the air controllers made a mistake routing that aircraft over a residential area. But that really brings home the point that in the Johnson Valley surrounding community, while it may be deemed desert and rural, it's still in close proximity to human lives. And putting these type of operations this close to human activity puts the human life at risk, and to my feeling it's an unacceptable risk. Thank you.

MR. CONKLE: Jim Conkle, Route 66 Alliance and Mother Road National Monument Project. I'm going to wear two hats here.

General Patton would not have won in North Africa if he did not have all the area he needed to train in and that he got in San Bernardino County back in the early forties. As a former Marine who trained at Camp Twentynine Palms, one of our major problems was the fact that we couldn't train as a regiment. We could train in the company level or in small battalions. And when you are in combat, you are working with a regiment and higher. And it was pretty hard. We didn't know what they were doing and they didn't know what we were doing. So that was very important.

The other hat I will wear is that does not mean that I am going to lay over and play dead and let the Marine Corps take all the land they want. Because one of our partners in the Mother Road National Monument Project is the off-roaders. And we believe that Johnson Valley is sacred ground. I mean, pure and simple. I think that's the way we look at it. And I think that working with the Marine Corps and BLM and all stakeholders, no matter if it's the County, Sierra Club, there is a way we can resolve this difference. But -- are any of the other in this room -- I know there is one former Marine. But any other former Marines in this room? Former military?

CHAIRMAN MABEN: A few of us here.

MR. CONKLE: All right. I'll tell you, you are a free country because of our military, pure and simple. I spent seven years in the Marine Corps, and I think I trained 95 percent of the time. And I served two tours in Viet Nam. So I was training, training, training, but that's what makes us an elite military. Our entire military force, not just the Marine Corps.

But I have to wear two hats because I have to look at what is good for us, the Mother Road National Monument and what's good for the Marine Corps and what's good for our country. But I think here, cooperation and working with the people who have a vested interest, we can resolve this. We are not going to fight. I no longer fight. I'm going to be 70 years old next year. I'm tired of fighting. I'm not in the Marines anymore. I don't need to fight. We need to find a way to make this work.

And I think the BLM, who to me -- and I serve on the National Park Service National Advisory Council. I think the BLM is the finest group in the government. Pure and simple -- next to the Marine Corps.

(Applause from the audience.) CHAIRMAN MABEN: Anyone else from the audience?

SUPERVISOR MITZELFELT: Supervisor Brad Mitzelfelt. I have a question.

Well, first of all, half of the current Marine Base is in my district. All of the proposed expansion areas or study areas are in my district. And I value my working relationship with the base very much. And I think they are handling this very well. I do have a question.

There were a couple statements made, one by one of the gentlemen and one by the other, relative to GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

wilderness areas and to the east. And I wouldn't ask this if I really thought that these should have been designated as wilderness in the first place. There are some areas that should be.

But training value of those areas that were mentioned, I heard a comment that the Marines did not have the purview to ask for these areas to be studied. And then I heard another comment to the effect that if the Marines wanted and thought there was training value, they would pursue them. So could I get -- I don't want to put words in anybody's mouth. Could I get a clarification on whether the training value was considered of any wilderness areas. Or has been or --

MR. ROSS: Thank you. I think I'm the one that made those comments, so I should be responding. Joe Ross.

Basically when we are looking at the land base in terms of the training value, we have a specific Lieutenant Colonel James McArthur that many of you have met at our meetings that is our exercise plans officer. And he looked at specifically all of the Sheephole Valley Wilderness as well as the Cleghorn Lakes Wilderness in terms of what type of terrain is there, how in fact if that wasn't wilderness, task forces would maneuver such that they would meet those training requirements I referred to earlier of trying to run three battalions simultaneously through corridors with the 48 to 72 hours of combined armed live fire maneuver.

What he concluded as part of that analysis was, in fact, that if wilderness wasn't sitting there -- first of all, Cleghorn Lakes is very mountainous, as all of you know, and it doesn't provide any terrain that is really conducive to Marine Corps battalion maneuver. In terms of Sheephole Valley in the north half of it, it's largely sandy and open and would allow for some maneuver space, but still in order to get on the current confines of the base, the battalions would have to break battle formation, get across Amboy Road, and then get north of the current America Mine mountain range onto the existing installation.

He even looked at a corridor south of the America Mine range which basically runs north to south along the current east boundary of our Combat Center. And he concluded that that particular corridor south of the America Mine range was really not wide enough for a battalion to fully deploy and move through there.

So the conclusion, sir, was basically that

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if wilderness wasn't sitting there, it really wouldn't provide more additional maneuver space, not really conducive to the live fire and deconfliction of all those elements I referred to earlier.

Did that generally answer your question? I mean, if we had concluded that there was some significant value there, we would certainly be pushing back harder in terms of agreeing that there needed to be some alternative that looked at dedesignation of wilderness. And that's really the conclusion we drew that sort of led us to the fact that at this point in time, unless Congress really feels there is some mitigation available there for us, nothing worth pursuing. Anything you wanted to add on that, Colonel?

COLONEL WESTON: No, our direction was to look at everything. And in that particular case, we did not have to ask for that. So we did not.

CHAIRMAN MABEN: Any gentleman from Edward Air Force base? You were coming up a minute ago. I made you sit down so you are up on deck.

MEMBER CHARLTON: I wrote about a third of the EIS -- Dave Charlton, now at Edwards Air Force Base. And it took me two months to get the army to draw up circulation patterns so we could have an idea116
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where the maneuver areas needed to go. And it would be real nice if that could be an important part of this presentation that went on here.

And secondly, I want to point out that you might have to translocate tortoises in the area that you've got, which was the major problem with Fort Irwin's expansion. And as you know, we are having some problems with that translocation. It took place in a drought year and the coyotes didn't have rabbits to eat, so they are eating tortoises. So the translocation is on hold right now, and we are working on that. They don't have actually any other examples of successful large-scale translocations that have taken place, so we can't say this one has been a success yet. So I don't know if we can use translocation as an answer. Anyway, at least we haven't put the resources involved to make it a success.

COLONEL WESTON: Love being short. Just two points on that, sir. If you pick up one of our fliers and go to our Web site, you will see on the six courses of action, alternatives, you will see the maneuver laid down there, and how the forces would maneuver, so that has been made public.

The second thing is right now we don't

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know. That's why we do the EIS. So the biological studies are underway. If we find tortoises we will deal with that later. But that's for the future, and we will probably know that sometime in the next 12 months. Something like that. That will certainly weigh into where we will go.

CHAIRMAN MABEN: Mr. Hillier.

MR. HILLIER: Thank you, Mr. Chairman. Gerry Hillier, consultant for San Bernardino County. Really, I guess what I would like to do is build on some comments both Supervisor Mitzelfelt and Dinah Shumway made.

But first, adding to Ed's comments, the Marine Corps and BLM have just been outstanding in terms of the public relationships. I attended both the segregation meetings and your preliminary scoping meetings. And I have been to a lot of controversial meetings, as some people in the audience know in the last 30 years, and they were probably the most well behaved and meaningful sessions I have been to. Very, very well done.

To build on what the others said, certainly, Joe, you answered a good share of the questions in terms of the internal analysis of what the Corps has done. And I would ask that that specifically be included in the EIS to document it.

Supervisor Mitzelfelt has, of course, floated a suggestion that relative to the Sheephole and particularly the east side over to Milliken Road and we recognize that Congress designated wilderness areas in those areas. Interestingly enough, Mr. Conkle mentioned the training done during General Patton's time and most of that Sheephole area was tank maneuver area during '42, '43, so it had previous impacts. And separate from being, you know, in terms of the current analysis and the current training doctrines, it would be well to also identify the rationale of why that's wilderness after it has been previously used for training exercises.

BLM's documentation, of course, contains the recommendation on Sheephole that it not become part of the national wilderness system, and Congress just simply drew the map and made it wilderness. So if it's going to be pulled off the table in terms of an alternative, that documentation probably ought to be developed somewhere.

The same thing is true of Katie's Dunes (as pronounced), which is further north, but also potentially part of the eastern expansion area because that area was not even a wilderness study area during that period. So I think it's important that the documentation of the EIS include that information, that basic information as to why it's not appropriate for inclusion now.

And building on Dinah Shumway's comment in terms of providing mitigation, I think it's important to do that. Also, I think the record needs to show you have tortoise areas inside. And none of that is designated as critical habitat, and while the tortoises need to be mitigated for, and certainly biological opinions ought to be provided for that, translocation movement out of harm's way is certainly not an option that ought to be just pulled off the table simply because tortoises are there.

CHAIRMAN MABEN: Thank you, Mr. Hillier. Anyone else? Okay. With that, I want to thank the colonel for the great presentation and also thank you for your service, sir.

(Applause from the audience.)

COLONEL WESTON: Sorry folks. One final comment. Just one thing if you can, if you can kind of take this back. We are a stakeholder. I would like to make that clear to everybody. My mission --America's mothers and fathers give us their 18 and 19 years olds. And one reason I'm still in, I enjoy working with these young Marines. It is absolutely great every day. But of my mission as one of the old guys and the senators of the Marine Corps at this point is to make sure those guys get the absolute best training and make sure they come home safely from combat.

When we fight as a MEF in three battalions, we should train that way. Currently we cannot do that. And again, I hope we find some common solution that works for everyone here today. I have met wonderful patriots here. The CORVA people. The off-road people. Certainly differing opinions but everyone has been very, very cordial. It's tough, it really is. And we all know that.

But please consider why we are doing this. It's certainly not the last bastion of imperialism. It's truly for a need, and we as a Marine Corps look at it really as a last opportunity. A lot of things going on with energy, and if you take a look at the maps, the population projections over the next 20, 30 years with the west moving east and east moving west, Vegas coming this way and L.A. going that way, there is not going to be a lot left other than what has been designated. So we appreciate what's been done. We appreciate the national parks. We just are a stakeholder, and please keep that in mind as you go forward. And again, sir, and Council, thank you very, very, much for the invite.

(Applause from the audience.)

CHAIRMAN MABEN: It looks like we are almost back on schedule here. If it hadn't been for Mr. Waldheim, I think we would be ahead.

Our next issue is going to be subgroup proposal of Don Maruska. You're on.

MR. MARUSKA: Should I follow the precedent of the Colonel and stand from this point or should I stand over there.

CHAIRMAN MABEN: The Marine Corps is smart. Always have their back to the wall.

MR. MARUSKA: Well, thank you, Chair, and members of the Council. It's a privilege to be with you here today to talk about something that's very important to the BLM, which is the whole issue of how to engage stakeholders effectively and in a way that supports the effective management of the resources and provides the stakeholders with accurate and valuable information about those resources. It's a critical part of it.

I was asked by Mike Pool, the state director, to assist BLM in figuring out how to make GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

these relationships work more effectively. There are a lot of people who spend many hours of the public devoting their time and their interests and their expertise, and it's important to use that information effectively. There is also a hard-working BLM staff that needs to have efficient ways to work with those stakeholder groups in order to benefit from their advice, but also to keep their focus on their management roles. So figuring out how to do that is important.

And there were a number of issues that came about that triggered the interest in this particular discussion. One is that there has over time by the DAC been created I guess now seven of what have been called TRTs, technical review teams, so they are expanding in number. Each of these take resources to support and there has been some lack of clarity about what are the roles of these groups, and how do they serve, what is their charter and parameters for operation and how can they be most effective?

And I think similarly, in talking with the stakeholders, there has been interesting questions about what is their role? How much financial information is appropriate to share? What form should that be in? How do they handle the accountability with user fees collected in some of these areas, that the user fees are at appropriate levels and used for the appropriate purposes.

So there are a lot of questions and a lot of issues that have come up about how to work through all these things. So it's been my job as an independent consultant here at the state director's request to figure out how to do this, because as you heard earlier, Mike Pool has been a long-time advocate. I have worked with him in a variety of issues over the last ten-plus years and I know he has been very interested in seeing how to work more effectively with advisory groups.

There is a rich history here, and particularly in the desert, of these collaborations, lots of hours and efforts that have been contributed that have made the desert a more productive and enjoyable place to visit and a better understood area. There are lots of issues, as I mentioned, that these technical review teams have been addressing. And there is also a really important context of federal regulations and the Federal Advisory Committee Act that provides some parameters for this that these have to operate within. And there are also the bylaws of the DAC that have been established that address these items.

So what I have been doing over the last couple of months has been really working through these issues, if you will, and helping figure out, okay, how can these work more effectively and how can there be a template that the DAC can use as they create these subgroups? So that rather than thinking each time, it's like creating it from whole cloth, you need a structure -- and I think you were talking about that a little earlier -- that you could plug into and know this is how it's going to work. BLM would understand the parameters. And you would be able to implement these things more effectively.

And we are going to talk a little bit about when do you create one of these subgroups, or when might you think of another tool to use rather than a subgroup. We want to have like a tool kit so you don't always have a hammer when you have got a screw rather than a nail that needs to be dealt with. So figuring how to work through this is what we want to address here.

A lot of steps have been taken in terms of working with the staff of BLM, working with the field offices, working with the stakeholder groups, going to the stakeholder meetings, seeing how they function, interviewing the stakeholder members over the phone and in person, and working through the regulations and other things that are involved that are required to figure out how all these things work.

What I sort of liken this to is remodeling a home. If you have gone through that, you think, oh, my God, you get into the thing and it's more work than you thought because you open up the walls and you discovered that the wiring doesn't quite meet code anymore and you have to sort of change and upgrade the wiring. And that's what we are finding here because the Federal Advisory Council Act has come in, the federal regulations are in place, and you look at how the subgroups function and you realize they are not really in alignment with what some of the codes and federal regulations now require. So there is a need to take a look at those things and figure out how do you sort through that and how do you get that worked out?

There is also a need, like a remodeling project, to move on with it. You know the experience as you got on and on with a remodeling project, it takes longer and longer. And you finally say, hey, I just want to move back into the house. That's similarly what is happening in this situation. We have these important groups, the Imperial Sand Dunes Recreational Area, subgroup that is out there and actively working. The Dumont Dunes subgroup actively working in this area. These areas have on any particular weekend upwards of a couple hundred thousand people there. These are big operations. They are facing a lot of issues and a lot of things they need stakeholder involvement with and communication back out to the constituencies.

I'm hopeful that we will be able to go through these recommendations today and can take action so that these groups can go back into work mode which they love doing and they have done a tremendous amount of very important work on the ground with their constituencies. So I'm hoping we can finish the remodel today and get them back into the full enjoyment of their homes, at least their organizational homes.

Let me give you a summary and the recommendations here so you know right up front where I'm going with these recommendations. I have vetted them with the state and field offices and have also talked with the leadership of the subgroups about them, so there is a broad understanding of what they are and I think relatively broad support for these parameters in going forward.

But first, that there is a need to restructure these groups with focused missions, revised membership and guidelines for constructive communication, some parameters that will help create guidelines for how these function, so that both the people who generously volunteer their time and the members of the BLM staff that work with them have a shared understanding of what they are working on together and how to do that most effectively.

No. 2, it seems that for both the ISDRA and Dumont Dunes areas, that these subgroups are best reconstituted as subgroups of the DAC in a formal way because DAC is a FACA-approved Desert Advisory Committee. And that is a key element that the federal -- reviewing this, let me tell you a little bit about why it's so important.

The third item here is that it's not all about just these formal advisory groups. There is a lot of collaboration that happens in other ways. There are friends groups associated with many of these user areas. The friends groups have very important roles. They need to be independent in order to qualify as independent entities for grant funding. So that's a very important component that needs to go forward. So these advisory groups aren't the only place of action.

Then finally, given the need to formalize some of the advisory roles of these subgroups, it's going to be even more important to be improving how information is exchanged so the public gets information effectively. We don't want the sense of formalizing these advisory groups to create a distancing of the public from the information that they need; but rather, we want to find ways to enhance that, while recognizing to be an advisory group within the context of the federal government, there are very specific requirements that have to be satisfied as required by law.

So that's a rough summary of the recommendations. I will be concluding at the end of the presentation with some specific actions or motions for the DAC to consider about how to go about it specifically. I wanted you to see what the direction was of the recommendations before we dive into some of the details. We are going to dive into them not so much today because they are absolutely critical only for talking about the ISDRA and Dumont Dunes subgroups, but what we are seeking to accomplish is to create a template that you can use for other subgroups that you may establish from time to time.

So it's partly to make sure that this is a comfortable framework for the DAC to use in a variety of other situations. So we are not doing a one or two-off effort here, but something that can be a durable set of tools for you to use in the future as you deal with a variety of issues that might be on whatever topics you consider.

Collaboration has multiple forms. It can be around advice, and we are going to focus it on that, but also we have these collaborations on projects and on information. Each of these are important. We are going to focus here on this advice item. And that advice has to fit into FACA requirements. FACA is an act established by Congress saying, okay, if there are going to be groups recognized by federal agencies as providing advice to them, those groups have to have a certain formalized kind of structure to ensure that no one has preferential access to government officials and government decision makers, that it's fair, it's open, and it comes within some parameters that are well understood.

So that's the purpose of FACA. So when you hear, oh, that can't be done by FACA or whatever, it's GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

FACA is standing there with the interest of the general public in making sure that there is fair access and effective interaction.

There is also a set of specific regulations under the Code of Federal Regulations that deal with public lands. And those define what these kinds of advisory groups can do. So they can advise about the preparation, amendment and implementation of land use plans, they can help with long-range planning and establishment of resource management priorities. But they are not to dive into advising on the specific allocation and expenditure of funds.

This has been an issue, frankly, for both the ISDRA and the Dumont Dunes subgroups because they originally were formed actually in advance of the creation of some of these federal regulations back when there wasn't a structure for figuring out what were the appropriate fees to be charging in these areas. So they were created initially to address this whole issues of fees, and were these fees on target or were they not? And you heard earlier today about this R-RAC, where the R-RAC is a Recreation Resource Advisory Council, and it at a statewide level oversees any fees that are charged for recreational purposes.

So there is now a structure in place statewide for dealing with any fees, whether they are from ISDRA or from Dumont Dunes or whatever user area that they may be, whether it's BLM, Forest Service or whomever, all go through that R-RAC as it's called. And that's what you were hearing about earlier.

So there is a structure now for dealing with some of those user issues and user fees issues that had been the original impetus for these two work groups. So now with that in place, it then sort of helps to position a little bit more clearly, then, what is the role of some of these subgroups and how do these subgroups best function, given now a formalized way for these user fee issues to be addressed.

There still is an important issue for these subgroups to be able to, on behalf of their constituencies, understand what are the fees, where the fee is going to, and how it can be used. That's different from giving advice about how the government should be specifically spending any particular category of funds. And there is a little fine balance there of what is the advice role and what is the oversight role. And we will talk about that a little bit more when we talk about the specific recommendations with regard to these two subgroups.

It also brings out under the federal regulations that these TRTs -- and that's what the Dumont Dunes and ISDRA groups have been called, TRT, technical review teams -- in looking at federal regulations, actually federal regulations say the TRTs as defined by the federal government, may formally involve only federal employees and government contractors. So you can see immediately we have a problem there because of the wording that has been used doesn't fit with the federal regulations. So that's an example how in the remodel we have to bring things up to code here, up to what the standards are for the regulations, and that's going to require some naming of these groups by more appropriate names to reflect how they actually fit in the federal regulations. So we will talk a little bit about that.

There is also a need to revise the bylaws and to work through those for the DAC here to create this kind of opportunity. In talking with both of the subgroups, they both wanted to be certain to have a seat at the table, if you will, to continue in this advisory role. So now we need to figure out how do they do that? There are only two avenues for these subgroups to do that. One is that they could become their own separate independent FACA-approved groups. But as you know from the efforts of trying to get the nominations through the Department of Interior for your own DAC group, and as you know from all the resources that are required to put on meetings like this, that's a lot of effort.

So the better alternative and the preferred alternative from my recommendation and from the state office as well as from the individual subgroups is to establish themselves more clearly as subgroups of the DAC. Actually, it sort of began that way but they have gone on to take a bit of a life of their own and to be advising the BLM more directly rather than through the DAC. So in other words, rather than reporting to the DAC on what they have been doing, they have been just reporting directly to the field office managers in Barstow and in El Centro.

And that is not permitted under FACA because those are not FACA-established entities and they don't provide the assurances to the public about the balance and about the considerations that are essential for fairness to the public that FACA requires. And therefore, that kind of direct advice going from the subgroups, what have been called TRTs, directly to the field office manager in that particular location is not an acceptable procedure under the federal law.

So there is a need to revise that and there is a framework that you will see that will enable these groups to continue to be performing their function within the context of the legal requirements. It's a good solution that comes out here, but I wanted you to understand what the necessity is for the change.

And so that's the basic direction that we are looking at here. And that giving a framework then within the DAC bylaws to accomplish that is important. And also to harmonize the DAC bylaws for what is the bylaws for the Northwest, Northeast and Central California areas that all of which have the framework that I will be recommending to you at the end. For some reason I guess the DAC has its own history of how it got created. It kind of spun off in its own direction, if you will, with regard to its bylaws which did not remain consistent with what the federal requirements were.

So let's talk about the proposed formation of the subgroups and how it would work and how it ensures a good and enhanced relationship with stakeholders as well with the working relationship with BLM. So it would be creating subgroups that would be reporting to the DAC with specific missions.

And hopefully their meetings would be linked to not only elements in their mission, but also in some way to the DAC's schedule of meetings so that you have a way of getting updates from them on that. And I think that there is a strong interest on the part of the subgroups to be able to provide targeted reports to you on their activities so that you know what they are doing and to provide the balanced membership that's required under the FACA regulations, and that those recommendations that come from the subgroups cycle through the DAC into the BLM.

There are some particular issues that we need to address with regard to these groups because they are working with very large numbers of users on very short time frames. And so figuring out how to do that efficiently is going to be very important, and we have a recommendation for you on how to accomplish that.

So the revisions needed -- one of the things needed in the bylaws is to modify the bylaws to permit residents of Arizona and Nevada who actively use some of the areas of the desert to be members of these subgroups. Currently, actually, under the DAC bylaws, such members are not permitted. Only California residents. So and again, that's a disconnect because there are active members of the TRTs of Dumont Dunes and of ISDRA that are residents of Arizona and Nevada. So we need to get that in alignment with how things are actually being done and how they need to be done for the substantial user groups in this area. And then to provide this template, a way, a structure that these subgroups can operate under that you as DAC members can understand and follow and track and know what they are doing because you are ultimately responsible as a FACA-approved entity for receiving their recommendations.

And in that regard, the recommendation is that at least one DAC member be a member of each subgroup so that there is a clear linkage and communication flow back and forth. And that the term of membership not exceeds three years with an option to request consideration for a second term in harmonizing it with how the DAC functions itself.

You may want to create a subgroup like a little task force, that doesn't have an ongoing role. And therefore, you might have shorter terms for such a targeted task force. Not saying every time you create a subgroup it has to have a three-year time frame. But in the context of the sand dunes where these are ongoing operations of large scale going to continue onto the future, it makes sense to have a term of membership on those subgroups that is the same as the term of membership as you have here on the DAC.

Then a procedure for BLM to send out announcements for the openings that are available on these subgroups, and then for BLM to recommend appointees to the DAC and the DAC reviews it and makes its selection and approval of those subgroups because they are your subgroups.

And then importantly, I think it's key because it's always easier to create something and sort of launch it. It's harder to say is it achieving its mission or should we terminate it or do something to improve it? I would suggest that you have a way at the DAC level that on an annual basis, you are reviewing these subgroups and determining are they on target with their mission? Does it need to be modified? Do we have the right expertise on those groups? How do we need to be addressing their roles? And do they have a continuing purpose or has it been fulfilled? In the case of the ISDRA and Dumont Dunes subgroups, those are ongoing. I would imagine they would continue.

You might have more targeted subgroups to address other topics where you might decide this group GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

has fulfilled its purpose and it's time to really close this task force area and time to redirect your attention to some other areas. So those are some of the items about the revisions that are needed to move forward here.

And then finally, of course, to make the DAC bylaws references to TRTs to be consistent with what the federal regulations are: TRTs are really only those work groups that involve federal employees or federal consultants or contractors.

So I have provided in the packet to the DAC the proposed revision to the DAC bylaws. Take Section 2 of the bylaws; it would reframe those bylaws to follow the same format that the Northeast, Northwest, and Central California Advisory Councils follow. It would provide, as you notice, for there to be flexibility in the identification of who would be members of these subgroups. So that you could have Arizona and Nevada residents as members, not just California residents, which the current DAC bylaws identified. And that the revision here of the technical review team definition to be consistent with the federal regulations. So those would be the basic changes to the bylaws that would enable you to create these subgroups in a manner consistent with FACA and with the federal relations.

CHAIRMAN MABEN: Would it be appropriate at this time to stop your presentation to address that particular issue or wait to your conclusion? I think because fresh as presented might be the appropriate time. Council member comments and questions for what's presented right now?

MR. MARUSKA: What I put on the screen is just what you have abstracted in your memo.

MEMBER SHUMWAY: Mr. Chairman, I don't think I have seen this document. Did I miss it?

MR. RAZO: Yeah, it was sent.

MEMBER BANIS: This page right here?

MR. MARUSKA: This page is reformatted. You have seen it in the memo.

MEMBER SHUMWAY: Your specific recommendations?

MR. MARUSKA: Yes, right, between the two dashed lines in your memo. This is just restated on a single page.

MEMBER BANIS: I only printed the attachments. MR. MARUSKA: You didn't print the memo itself? CHAIRMAN MABEN: Any other comments or GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

questions?

MEMBER GROSSGLASS: So I want some clarification on how we get members for these subgroups.

MR. MARUSKA: Yes. That is what I would go to next. Talking about the template for each of the subgroups and then the process for gaining applications and then your appointments to those subgroups. That will come next.

MEMBER GROSSGLASS: Then how it's going to be important how we communicate between the subgroups and the DAC.

MR. MARUSKA: Yes, that's identified also in the template which is the next piece coming.

CHAIRMAN MABEN: Anything else? I guess today we are also going to have to address modifying these bylaws; correct?

MR. MARUSKA: Yes.

CHAIRMAN MABEN: You want to wait for the end of the presentation?

MR. MARUSKA: I offer you a slide for what you need to take -- to bring about these representations. They are crisp and clear.

CHAIRMAN MABEN: Continue.

MR. MARUSKA: Okay.

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With the bylaws structure in place, then to permit the subgroups to move forward, then there is a need to have a template for these subgroups, a framework that you can use for whichever subgroup you might want to create. So this is the basic structure. So for each of the subgroups, I recommend that you have a mission with some specific identifications of what are you asking this subgroup to do. Then what is the expertise or interest that you need to accomplish that mission and how many members you feel would be appropriate. What the term would be for the subgroup membership. If it's an ongoing thing, I would suggest that the term be the same as for DAC members. But if you have a task force, we want this to be in existence for six months. Then we are going to be done with this issue and move on to something else rather than create a life that goes on forever. You want to give pretty clear instructions to people what are you working for.

Then what is the selection of members and the election of officers if they have them. The Dumont Dunes and ISDRA subgroups have a chair, a vice chair. They have a secretary because they do a lot of work. They meet three or four times a year. They do as much in terms of meetings as essentially the DAC group does as a whole. So they are pretty busy. What is the meeting schedule so that people who are thinking to apply, what am I signing up for? And what is the process for reporting to the DAC, the question that you were raising earlier, Meg. How is this going to communicate and get this back and forth so we know how this is going to work. So I suggest for each subgroup that you have, you have this template that you and BLM agree on. Okay. What is the mission? What is the expertise? How it's going to work for each of the subgroups that you choose to establish.

What I wanted to talk about here is before we go into the specific templates for ISDRA and for Dumont Dunes is to talk about the options for reporting to the DAC, because I think that was a key issue that came up in the discussions with ISDRA and the Dumont Dunes. They are saying, gosh, our season takes off in the fall, runs through the winter, and by the spring we are essentially ramped up. It's an intensive time, lots of things are happening. Hundreds of thousands of people are coming and going. This is a pretty fast moving thing. How do we work with the DAC that might meet only once during the time? So there is a need figure out a way to communicate, what is the way to communicate and work together so that you play your role as the parent, if you will, in terms of FACA for the subgroups and yet enable the groups to move forward with their work.

So it's going to depend upon the subgroups in terms of what the best approach is. I really offer you two models. The first model is really a model that's identified as being appropriate for ISDRA and Dumont Dunes. And that is where a subgroup is established to provide ongoing advice on user-related issues, fees, operations, etc., that occur seasonally or more frequently than regularly scheduled DAC meetings, that that subgroup could submit its meeting report to the DAC chair, who would distribute it to the DAC members that would have 14 days to comment before forwarding those recommendations on to BLM.

And BLM would, in turn, work to put those recommendations on the Web site or other means of letting the public know what they are so the public could provide some comment to you and that you would have opportunity via e-mail or telephone or whatever you wish to make comments about what the subgroup is providing as their recommendations.

Now, this does not preclude that if the subgroups bring to the attention of BLM some urgent issue that's happening out there, that BLM has to sit on its hands for 14 days and say I can't think that I heard this because it has to go through the DAC. No, they have continuing management responsibility to do whatever is appropriate for managing the resources. But it does mean that before the recommendations are forwarded through you and on to the BLM, that there is that opportunity for the public to have the awareness of it and for you to have a reasonable opportunity to provide comments.

Now, if you are working with a subgroup that you have created at the DAC level that's for a targeted purpose, in essence, their whole job is to report back to you on some issue they are wrestling with and they are trying to sort out some different options, and they are really reporting to you and you are taking up this information and you are going to be having a robust discussion of it at the DAC level, that would obviously be a situation where you would want that subgroup to report to the DAC chair, who includes it on the agenda for an upcoming DAC meeting, and for the DAC to have a full consideration of that topic because they are really working directly for you in that context on a specific issue that you have decided as the DAC as a whole, group as a whole, to be addressing and working through.

So we are trying to provide you with two different options here on this reporting so you can use whatever tool may be more appropriate to you. And I hope that's responsive to the question that you had earlier.

MEMBER GROSSGLASS: Yes.

MR. MARUSKA: The other component of this is to have communication guidelines: How they are going to work, what are the relationships, what are the roles, how do they play? And so, that's why having this clarity about the mission for each subgroup and the specific examples to help provide a distinction between this advice role and the BLM's management role. That's a bit of an art form in figuring out that distinction and that's important to sort through.

So one of the communication guidelines here is to have each of the subgroups to have a specific discussion between the subgroup members and BLM about how they are going to work through that relationship. It's a working relationship and figuring out what is the right information, what is the right balance here, and how to do that in a way that fits with FACA and with the federal regulations in terms of the definitions of what those roles are. We will talk a little bit more about that when we talk about the specific guidelines for each of the specific subgroups.

Another communication guideline is to have the members work through the subgroup chair designated to raise issues and offer recommendations or make requests. The idea is you work through the subgroup. There has been a tendency in some groups for people, before working through the subgroup chair, to just kind of go off directly to BLM or go off to someone else, and it doesn't allow the subgroup to do its work. So the idea is let's let the subgroups do their job. And make sure that that channel is being used effectively and to give time for that subgroup chair and BLM staff to respond before sidestepping or moving up the chain.

What has happened is -- and this is part of the reason the state director asked me to get involved. He said, I'm getting hit with all these things. People are coming at me and I don't think that they really kind of worked through their own groups to sort this stuff out. And it makes it very hard for them because if he tries to interject, he doesn't know what the field offices are doing and the thing just doesn't work. Maybe it works once, but everything else gets kind of clogged up and people aren't working through the organization to get things done and that makes the organization less efficient.

Similarly, to provide responses and inquiries to all subgroup members so everyone has the same information. And logs available at the Web sites or some other location for interested members of the public to review so that there is good information flow and people understand what the responses have been. You commit to a spirit of mutual response and meaningful collaboration. And the important role of many of these subgroups is to be a channel of accurate information out to their constituencies.

It's very striking when 200,000 people or more descend on the Imperial Sand Dunes, they are coming from all over. It's a real challenge. I learned that only about maybe 15 to 20 percent of them are members of an organized group like the American Sand Association. So the American Sand Association is trying to talk to their members, helping them to understand the trash situation or law enforcement issues, but they are only working with a segment of the whole group. So we have to figure out some effective ways to get the communication going out. And that's an important role of subgroup members is to figure out how can they help work with their constituencies in getting information out to the public so the public is well informed, and using these resources effectively.

And then to prepare summaries of meeting discussions and notations of specific recommendations, so it's clear what the actions are that come out of the subgroups. And to address at least annually how the BLM and subgroup are working together. That would be part of their work for you for your assessment: Are these subgroups serving the DAC and the desert resources appropriately. So we have the link through the chain, if you will.

So there would be a set of communication guidelines I would recommend that you put forward. I have discussed these with the subgroups and with the BLM staff and believe that these would be helpful in guiding not only these subgroups, but future ones that you may wish to create in moving forward and working effectively.

Now, the issue you were raising about how do these applicants get selected and what would be the approach. I would recommend that you have an application process for subgroups so people would be asked to specify their interest, their expertise

category that they are representing, what their knowledge and skills are as it relates to the group's particular mission, their experience in working in an advisory role with a collaborative approach.

Frankly, some advocates are good at being collaborative and advisory and some are just good at being advocates. And there is a distinction. And so people need to figure out if that's the role they really want to play or if they really want to be an advocate without being a collaborator, which is a challenging kind of thing if they are trying to work in a subgroup setting and asking them, have you read the communication guidelines? And are you on board with what your role is here? And can you attend the meetings? And do they have any other comments that they would like to add that would be relevant for your consideration in the appropriateness of them being members of the subgroup.

So there would be a basic way people could apply and BLM could use this in notifying the public about available opportunities to serve on these subgroups. And you would get some clear information back that could help you in deciding who would be appropriate in these subgroups.

MEMBER SHUMWAY: So do you envision

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something like this as creating sort of a pool of applicants, maybe taking applications annually, for example? Or with the creation of each subgroup? That would be a logistical nightmare.

MR. MARUSKA: Well, I think -- that's why I think you want to consider carefully how many subgroups you create because they do each have their care and feeding. And so you want to think about, okay, what is the capacity of the DAC to have subgroups and how many and where do you really need a subgroup versus just having better communication out to the public and so on.

But I think more directly to your point, Dinah, this would be a situation where you would have specific applicants for a particular subgroup. Because as I have learned from the user groups, that there are people who recreate most particularly in one area versus another, so you would really have separate applicant pools for the different subgroups, and they would be related to the particular expertise you are looking for for these subgroups.

MEMBER SHUMWAY: My question would be specific to -- just as an example. A task force to examine an issue that maybe recently that came up as part of the agenda or it's part of the e-mail, however you want to look at it, which needs some public input or committee input on a short time frame, say a quarter or 90 days, 60 days, something like that. In which case you would like to have a pool of applicants who you know are willing to serve who could work on a project for a specific or limited time.

MR. MARUSKA: Uh-huh. I think you could handle it either in that way or you could say, okay, is this a formal subgroup that you want to create within the parameters of FACA and you want to establish it to do a particular task, in which case I think you would really need to follow these procedures.

If it's actually that you are asking people to provide you, the DAC, with bits of information --in other words, you would like people to tell you about what is the data on current mining applications or interests or whatever in a particular area and you want somebody to provide that information to you at the DAC level directly, you can do that informally. So you don't have a create a subgroup here.

And I think this goes to your question earlier, Meg. Every time you have a user fee area or every time you have something that you want some input from people about, it doesn't mean that you have to or even that it's prudent to create a formal subgroup of the DAC. As you can see, to live under FACA and the federal regulations, there was some specificity that you have to have here. There is some detail that you have to work through.

So, for example, in the case that you were describing earlier, Meg, of like the RAND area, there are friends groups that were involved in that area and that are well knowledgeable about it. They can provide input, for example, on BLM's application with regard to fees in that area or other things they might be looking at with the R-RAC. So it doesn't mean just because there might be a fee charged in a certain area, that you have to create a subgroup because you may have user groups, friends groups and others that you could -- that BLM could be going to to get advice about that fee.

I think where you trigger wanting to have a formal subgroup is when you've decided that, okay, there is either an ongoing set of issues that need attention, like in ISDRA or Dumont Dunes, because there are operational issues and they are large scale and there are multiple constituencies and frankly, a lot of money and resources that are involved. Or you have another issue, maybe it's a policy issue with regard to a particular land use question that you are dealing with that maybe has multiple stakeholders and a lot of complexity to it and people really need to roll up their sleeves and work through it.

But if it's otherwise where you are just trying to get public input on something, I would encourage you to look how you and BLM could use existing organizations to help you provide that information because they already have meetings set up. They already have things that happen. And certainly we will talk about this at the end. There are other vehicles that need to be complementary with the subgroups, like having BLM staff go to those constituent groups and provide information to them rather than trying to create a separate meeting and have everybody come to a newly created group. Because as we all know, it takes time and effort to create these groups and to help them move along. So that would be the distinction here. Does that clarify your question?

MEMBER SHUMWAY: Uh-huh.

MEMBER BANIS: I would like to add just a bit of color to that. I have been a gadfly of the DAC for about ten years. And I have seen two ways that these subgroups have been formed. In the more distant past, all the subgroups were generally of this DAC itself. The subcommittees such as the route signage subcommittee that dealt with just the issue of route signing, came up with a report, a recommendation, there was no need for that group anymore.

But it was a recent phenomenon, in my opinion, a recent phenomenon of only about four or five years ago, for the TRT for the Glamis Sand Dunes and for the Dumont Dunes, that those TRTs were formed through a more formal application process, and applications were taken from the public from outside of the DAC and that memberships were formally assigned. Representative of this stakeholder and that stakeholder and more importantly, a member of the DAC being on that subcommittee to form the nexus.

And so the TRTs that were specifically based on a project were formed generally by and among the DAC itself. The chairman generally would solicit volunteers from the DAC. And among those volunteers, the chairman of the DAC would appoint a chairman of that TRT or that subcommittee.

But in this new method for the two sand dunes fee places, that was a full application process, deadlines, representing of constituents, letters of recommendation. It went to a field office manager. And I have got to admit because I was only an applicant at that time, I don't know how that formal decision was made, either just by the field manager or if there was more consultation with the superiors as well.

So that's my question here or a question of point. I want to make sure we are not confused that if, for example, we are going to set up a TRT that involves members of the public as stakeholders, not just members of the DAC, and they are to fill out an application, who does this application go to? Who reviews it and approves it? Will it remain something that the field managers would do? Or would this go --would we be the appointing body? And I'm hoping that a little of this history kind of wraps things up. Because the discussion seems a little open-ended now and a lot of choices, but if you really get down and can review really what we have been doing, we've really followed only one or two kinds of paths.

MR. MARUSKA: Yes, and what I am going to do now in moving to the specifics for the Imperial Sand Dunes and for Dumont Dunes is to address the recommendations on those specific points.

CHAIRMAN MABEN: I think I'm getting the

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sign that it's past noon. We are supposed to take a lunch break. We have an hour and a half scheduled. Is the Council comfortable with the hour and a half or do you want to reduce it?

MEMBER RUDNICK: In-N-Out Burger goes pretty quick.

MEMBER SHUMWAY: Let's just go an hour. There are plenty of places nearby.

CHAIRMAN MABEN: We will take that and we will resume at --

MR. DEARING: Sorry, Mr. Chairman. I have to go catch a plane so I want to make a statement before I step out of here. Randy, the way you outlined to begin with is the way under FACA it should work. I think when these other organizations were formed, that was the rub. It was counter to FACA and the FCFRs. So we are trying to bring them back and still have them as a contributing, viable group that we can work with and work through. So that's what the purpose of this whole thing is. So I hope that helps you out. The way you outlined it at first is the way it should work.

CHAIRMAN MABEN: With that, we are going to
adjourn until 1:05. (Lunch recess taken from 12:04 to 1:04
p.m.) GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

CHAIRMAN MABEN: The DAC is now back in session. Is our presenter here? We'll move on to the next one and resume back to him later. Is Daphne Green back? That way if you want to leave earlier, that's okay, since you have a little ways to go.

MS. GREEN: Hi, everybody. Daphne Green, deputy director of the California Off-Highway Motor Vehicle Recreation Division.

I'm on the agenda today to speak about education, and education as we well know in the state of California when we are talking about off-highway vehicle recreation is massive. We talked a little bit about that yesterday. As we start to look north to south, east to west in this state, the variety of interests in off-highway vehicle recreation, whether or not it be touring, sand rails, buggy, rock crawlers, ATVs, dirt bikes, SUVs, it goes on and on. How do we try and look how we educate everybody who has an interest in OHV recreation?

One of the key points about our strategic plan -- and for those of you who have not had an opportunity to look on-line, our strategic plan is there we have been through. The Commission has reviewed it twice now. And we are accepting comments through next Wednesday.

But one of the key goals of our strategic plan is to try and achieve a community of interest with interest in OHV recreation, dedicated to safe and lawful operation and environmental stewardship. And how do we do that? And so part of that is where we start to look at those goals and objectives. So as we start to look at that, as we were talking today about interested stakeholders and how do we collect people who are interested, whether or not they be for the development of energy as we talked about a little bit this morning, the military, recreation community, environmental community, bringing everybody together and looking at how we provide OHV recreation opportunity.

The program is now 38 years old. Certainly recreation is a lot older than that. But I think as we start to look at people who support this program, the OHV community who pays into this program -- and again, OHV recreation community is not just that community that may be out at Johnson Valley but those individuals who are interested also in motorized recreation for nonmotorized activity. So we also combine that.

So what we have proposed in the group that we have talked about in terms of a stakeholder group GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

statewide is looking at education, because if we don't, we are going to lose everybody. I know that you have heard Mr. Waldheim, on many occasions, say I would like just to shoot people. Well, that's really not an alternative I want to participate in. But I want to talk about the community who right today at lunchtime, if you looked across the street is out there on ATVs, some people who may not have a helmet. Some people who are clearly not at 96 dba. Some who are paying their Greensticker, we hope -- I don't know because I didn't go out and look -- but I do know when we say to them, are you recreating on BLM, Forest Service or State Park land, to them they are recreating on land.

And we need to make sure there starts to be an investment by all communities of interest for a program. That includes industry. And one of the strategies we have in the strategic plan is looking at how we start to get industry involved in a way when it comes to responsible advertising. I think we've all agreed over a number of years that if we don't try and address this issue, we are doing all of us a disservice because every time that manufacturer shows somebody recreating illegally or inappropriately, it does not help us whatsoever.

That is that commitment to environmental stewardship. How do we try and address it? And in the law in SB 742, one of the things identified is we need to come together, BLM, Forest Service and State Parks with a one-stop shopping site on a Web site --that will be the State Parks Web site -- where if you come to California as an OHV enthusiast, where can you recreate legally? Where can you go? It's going to be a massive effort on behalf of BLM, Forest Service and State Parks to get those routes designated, but the commitment is there. The financial element is there.

I heard, how do we continue to do the signage for our route designation process? Well, SB 742 I want to make everybody aware, we have 5.6 million dollars set aside, 2.8 each for BLM and Forest Service, to complete route designation implementation and planning. So there are field offices who are looking at where we need the signage, how we have to get the word out. We will move forward in this next year with identifying how best and appropriately to use those monies for that goal. So that's an important one that we look at.

As I mentioned before, looking at the Web site, how are we then going to make sure that people can tag onto the Web site to know where they can recreate legally. As we look at the stakeholder group, I need help from all the interested parties to help us identify that education campaign where we can start making sure that people do understand what is appropriate in California. There simply is not -- no longer the space we once had to be able to recreate anyplace at any time that you wanted. And those of us who have an interest in managing it have to make sure we identify those places.

So as we look at it, where can you go legally? How do we do it safely? That's that component of looking at safety classes that we teach; that is a safety component of if I'm out in Imperial Sand Dunes, are the officers looking at safety at the ATV safety certificates? Every child under the age of 14 has to have a safety certificate or be accompanied by a person that has that. How are we enforcing that message? Once we do that, i.e., sign on the dotted line, that word gets out very quickly because it's an extremely expensive citation. We need to do that and make sure that people embrace the idea of educating our youth and making sure that parents and guardians are held responsible.

Right now one of the things I haven't heard brought up today is educating people about what is GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

going on with the act that created it, which is now making it illegal for industry to sell any product for children under 12, whether or not you are in terms of an ATV or dirt bike. This has -- for some people they may say, okay, well, is this really an issue for us to be talking about here? For any of us who care about child safety, one of our biggest education components we do is working with the California Police Activities League in terms of making sure that we are bringing kids in and that we teach them safe and responsible OHV recreation.

Right now in Congress last August the bill was passed that at that point in time said children's products -- toys, mind you -- so anything that has a lead content of 600, anything more than that we can no longer sell. Now, you can no longer sell it as a new product or as a used product. This is incredibly problematic for industry right now. And parts-per-million is what I meant when I said 600, parts-per-million.

Why does this effect all of us who care about children? Now we have spent the past ten years making sure that children are on size-appropriate vehicles. We have the potential now for children, because they can't get a vehicle that fits them, to then end up in a vehicle that's larger for them. This will effect all of us in an awful way, and we cannot afford to have that happen.

So for us in terms of training, we won't be able to get the ATVs. We can't get the parts. So all of a sudden we are going to start seeing children one more time getting on a vehicle that's bigger than them. Some people will say maybe those children won't get on vehicles. I think they are dreaming. Kids are going to get on them. OHV recreation is one of the fastest growing forms of recreation in the state. The RUV market, the side-by-sides that we have out there, have grown 273 percent in three years.

What are we doing to teach people safe and responsible recreation on those vehicles? What are we doing to get the word out? So as a state, we embrace that mission of ours to try and get the word out, but we need your help. We need your help, as well, from an environmental stewardship perspective. We saw yesterday those volunteers who embrace and cherish that particular area in which to recreate. They cherish it because at the end of the day, if they are camping with their families and they look at the stars and moon, they are connected to the earth just like anybody else.

And that is what we need to celebrate because all of these communities -- we heard it earlier today -- need to come together to start looking at how we can work with the lands that are available to us in California. So as we look at the comprehensive way in which -- I know Mr. Waldheim always says, just spend 2 million dollars and start an educational campaign. Well, God bless Mr. Waldheim for that. However, I will say on another note, which as many of you have heard, that given the ongoing budget crisis we have in the state, the OHV trust fund was swept of 90 million dollars recently. Many people think that was an acquisition fund. That was not. That was part of our trust fund in which these education dollars would be appropriated for that statewide education campaign we want to do.

We will press forward and get those monies. But I just need everybody to understand the importance. And I think everybody recognizes how important coming together to have one message is. That is why as a DAC I will ask all of you to make sure and to help us be partners in that with BLM as we try and gather all of those maps. We need to first and foremost start getting the message out about the importance of recreating on designated trails or designated areas, identified areas as it were. So I don't know if anybody has any questions.

MEMBER GROSSGLASS: Would you like a DAC member to put forward a motion to send a letter to the CPSC about the lead issue?

MS. GREEN: If the DAC said they were interested in doing. I don't know if you'd want to do it right now. You haven't had the information in front of you. I recognize that. We would certainly be happy to provide that information to the chair and it's something for consideration. This is an extremely important issue when we talk about safety.

MEMBER HOLIDAY: I would like to, also, in working with your Web site as well as locations for people to recreate in California, I would like to see when that's on there, the requirements that they need to operate in California. Because one of the issues we have is people are coming from out of state, and as you are well aware, we have issues with what you have to do to be legal within the state. So it might be helpful if you ever get to that point with that Web site, that that's also on there.

MS. GREEN: It's actually identified in our law that has a series of -- I think it's four or five factors we need to make sure we address. One of them is the laws and regulations that do apply. And it brings up a good issue, which is in Arizona right now they passed a law, so Arizona residents think that law applies to them when they recreate in California. It does not. They were in a big rush to try to get a law passed, and I understand why. But as always, unintended consequences of our actions stand to create bigger problems in the long run. So we are working with Arizona and trying to get the message out to the residents. But that will be important.

Another area is the issue of private property trespass. And it is something that has become more and more problematic. Again, you have shrinking lands on which people can legally recreate. The ability to share with the private property owners what they need to do of signing and fencing their land as well as the OHV community that just because a piece of land is open doesn't mean you can recreate there at your whims.

So again, I don't think -- the majority of people I don't think want to break the law. The majority of people want to know what the best things that we can do are. And we as state agencies and the federal partners we have need to do a better job of being able to provide that information to the public and to the schools. And if we don't start doing really active work at the local level when they are really small, to be able to get that word out, then we have done a disservice again to all Californians.

MEMBER HOLIDAY: Meg would be a good person to write a letter.

MEMBER GROSSGLASS: Funny how that works, Dick.

MEMBER HOLIDAY: I agree with what Daphne says. This issue is really ridiculous for hurting the people. My son went out and tried to buy a part for our ATV and couldn't even buy the part because it was one of these ATVs that was years old and they won't sell him a part. It's kind of mind boggling to think that somebody is going to let their kids chew on the battery or something on their bikes.

MS. GREEN: Let me just clarify. In August a law was passed by Congress that identified certain limits for lead that could be in children's toys. This affected not only ATVs and dirt bikes but jewelry, a Schwinn bicycle. It affected actually school books. Any book published prior to 1985 has to be removed off the library shelves right now because the lead content in the ink is such that it is a threat to our children.

However, there was an exception made for electronic equipment. So for that child who may have a Game Boy and sit on an airplane and play with that and put that in his mouth, that is okay. So it's one of those very confusing things, and it's causing confusion across the board right now as all these parts have to be removed. In particular, where it affects ATVs and dirt bikes and snowmobiles, actually, that are made appropriate for children is in a dirt bike, a valve stem. It is a combination of brass and lead. And if the child were to suck on that valve stem, it could be problematic. If -- on some of the fenders, the fenders are made with that polyurethane and that has a certain amount of lead in it that would be problematic. So it runs across the board. And it's incredibly difficult for the OHV industry. It's economically a one billion dollar hit it's estimated at. So not only from that hit financially, but also from the safety as I mentioned before where it's problematic.

CHAIRMAN MABEN: Any other questions?

MEMBER ACUNA: Tom Acuna. Meg, the idea of writing the letter is great. By the way, great speech. Really appreciate that.

Daphne, can you tell me what realistically

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is going to happen with this law? I'm sure there are a lot of folks making moves to adjust it in some fashion. Is there anything in the future, a special group that will bring positive action on this matter?

MS. GREEN: What we are seeing right now is that when Congress approves an act, then it's up to the Consumer Product Safety Commission to implement. So what you have is a situation where the Consumer Product Safety Commission is saying Congress passed this and we don't have the latitude to make any adjustments. And Congress is saying, no, CPSC, that is your responsibility to make that adjustment. So you have these two communities at loggerheads.

There is a great deal of activity going on in Washington, D.C., so I think the pressure is mounting such that at some point -- industry is asking for an exemption, but so far that has not been successful. But there was an article the other day in the New York Times about the removal of these library books and the impact that that's having on kids. I think as pressure starts to mount and people recognize that this is problematic, when you go into Toys R Us and you can't buy a Schwinn bike anymore because your kid's going to suck on the valve stem. Then I think that people are starting to say this has gone a little too far.

MEMBER GROSSGLASS: Is now the appropriate time to make a motion? I move that we write a letter to the --

CHAIRMAN MABEN: Are you volunteering?

MEMBER GROSSGLASS: Yes. I'm volunteering to write the letter to the acting commissioner of the Consumer Product Safety Commission about this issue, and later on in the meeting I actually have a draft letter writing procedure for us, but that's not now, it's for later. I just need a second.

MEMBER HOLIDAY: I will second.

CHAIRMAN MABEN: Any further discussion? All those in favor, aye?

(Voice vote taken.)

MEMBER RUDNICK: Will we have a chance to review it?

MEMBER GROSSGLASS: Oh, yeah. I have a whole procedure for that.

MEMBER BANIS: I'm going to change the subject, so if there are any other comments or questions on this. I would like to return for a second to the 5 million dollars for the route designation issue. How can the agency tap into that?

MS. GREEN: The 2.8 million that will be available, 5.6 -- all not available to BLM. Half and half, Forest Service and BLM.

MEMBER BANIS: Is it through the normal grant process?

MS. GREEN: No. The division will be allocating those dollars through challenge cost share agreements. So we would be working cooperatively with the BLM Sacramento office to look at and fully expect the input of the public, where you see that need, and we will let you know when we start the process and looking for the public input and the dialogue about how best to identify where those funds should go. Whether or not it be signing or finalizing, whether or not -- I heard about the Palm Springs office today --whether or not it might be there. So we look around the state. There is a need for it, so certainly we will be reaching out to BLM and Forest Service for their input as well as stakeholders.

MEMBER BANIS: Thank you.

CHAIRMAN MABEN: Any other commissioner comments? Any member of the public while she is here before she hits the road to Sacramento?

MR. STEWART: Short comments. Good afternoon,
Council. John Stewart, California GILLESPIE REPORTING & DOCUMENT
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Association of Four-Wheel Drive Clubs.

I'm especially encouraged at this opportunity to move forward with one-stop shopping for routes and information about recreation. I would like to encourage the BLM to work diligently to get some maps available and get their mapping process down so that we have an accurate map system of routes in the desert, something that people can go out and identify some of the touring and dispersed camping opportunities that are here.

As mentioned earlier today, we are facing challenges from wilderness proposals, from the Monument proposals that will have an impact on these routes and the sooner we know what those are, the better chance we have at protecting them and providing a recreation opportunity not only to the citizens of the state of California, but also to the tourists and visitors who come into the state. Thank you.

MR. WALDHEIM: Ed Waldheim, CTUC. I want you guys to know that this girl has put together a team for grants that I have never seen before. I have been at this since 1978, and she has four people up there who have done an incredible job this year on the grants on-line, and we call it OLGA because on-line application process. We call this our sweetest girlfriend. If she gets temperamental, we just put the hood on her. She is to be commended for having that group work so hard, and I implore that you go on-line and get the grants and look at them and make comments. But I would like us to give her and her staff a hand for all the work she has done.

(Applause from the audience.)

MS. GREEN: If I may just for a moment make a couple of comments that were made earlier just for clarification purposes. So Ed is right. We did -- this was about five years ago. All you remember we had 14,000 pages of grants that would come through our door. We identified at that point, we had the vision that we wanted an on-line grants application process. We needed to be paperless. So we achieved that. It was not easy, given all the state requirements.

But the important part about that is the preliminary application time period, and this again comes back to education and getting the word out. There is a one-stop shop. You can now go onto the OHV Web site and find every grant applicant that's applying for grant funding. You can look at that application and during this preliminary time period, it's such that if the applicant, whether or not the public or applicant looks at that application and says no, you actually haven't done the work; or yes, you know, you need to tweak that, that that input can be given ahead of time. So we wanted to make sure about that.

The grants available now -- two years ago it was 18 million dollars. This year it's 27.1 available. So it's a concerted effort to get more monies out on the ground. BLM, Forest Service. This year nonprofits can apply, which is huge, to do trail maintenance and restoration and also educational institutions, native American tribes. So a lot of avenues to get monies, and I think people have really tried to work hard to make that efficient for everybody.

I will say, however, it hasn't been two years that we haven't gotten money on the ground. It's been about 18 months. And one of the changes that we did make was to make sure that we know how much money is approved by the governor's office before we then start allocating. So we are not doing it the other way around. Not allocating and then finding out whether or not our budget has gone through. So it's a more thoughtful way of doing it.

And we also wanted to work with our

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partners, BLM and Forest Service, so that the money could be given to them up front so they would be able to identify it and plan for it in their upcoming fiscal year. So hopefully, the money will be identified in June, assuming there is no appeals. We will be able to move forward and get the monies out on the ground and agencies can start planning for them. Thank you, everybody. Appreciate it.

CHAIRMAN MABEN: Don, you are back up. Gave you a longer break than you anticipated.

MR. MARUSKA: Thank you.

What we want to do now is really move into the next stage here which is talking about the specific elements of moving forward with the Imperial Sand Dunes Recreational Area subgroup and the Dumont Dunes subgroup. And so this is the page that you had in your -- distributed to you as DAC members of a template for the Dumont Dunes subgroup, identifying the mission, providing advice regarding long-range planning and resource management, discussions and recommendations about operating issues, and reviewing results and being a communication vehicle for information about the dunes out to various stakeholders and constituencies. In working with the Dumont Dunes subgroup

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and with the BLM field office here in Barstow, they identified the kinds of expertise they thought would be appropriate that includes the off-highway vehicle community, local government, commercial filming, Friends of Dumont Dunes, and then some scientific expertise they would like to be sure is present on the subgroup to help them in evaluating various issues that come into play about the interaction of the recreational area activities and the biological resources. And then others that may be interested in representing the perspective of the local community.

Looking at a size of 7 to 11 members, depending upon the number of qualified people that come forward for those roles to represent that expertise, and at least one and preferably two coming from the DAC, the terms there being three years as recommended before, with staggered terms. Opportunity for consideration for serving a second term same as the procedure with the DAC.

The interested persons would submit applications to BLM using the application form provided. BLM would submit recommendations to the DAC for the DAC to review and approve as it considers appropriate, and you could make adjustments to that as you see fit. And then the subgroup votes annually to choose a chair, a vice chair and a secretary.

Anticipate three meetings per year, which is typical. They could have additional ones as they felt important. And an encouragement to find opportunities to give the public as much interaction as possible. So a consideration of one of those being on a Saturday or more. And to permit electronic sessions so if there are urgent things coming up with regard to the dunes that BLM would like to get advice about but has not had an opportunity to call a meeting in person, that there would be an electronic opportunities for that. That's not explicitly provided for in the DAC bylaws, so I think the template here is a good place for you to indicate the authority for the group to act in that manner.

Continuing to report as provided here on the process for reporting to the DAC, that would be with the 14-day review cycle we had discussed this morning. So that's the basic outline for Dumont Dunes. It was discussed with them at their TRT meeting on January 20th, and then further with the BLM field and state offices thereafter.

On ISDRA, you will see many similar things. ISDRA wished to be more specific on some of the operational items that they wanted to be getting information about. They have a little different complexion of the expertise they felt was appropriate. The whole idea for both of these areas is since they are serving as subgroups of the DAC and they have a specific purpose of looking at the recreational user issues, to be certain that the people who serve on these groups -- this was the case for both -- are people knowledgeable about and have some connection with the local user facilities. Thank you much clearer. Much clearer. I thought it was just my eyesight.

CHAIRMAN MABEN: You weren't alone.

MR. MARUSKA: So there with a similar term, conditions, same process for selection, same kind of meeting schedule and same process for reporting back to the DAC. So that would be the recommendation with regard to this particular subgroup.

The recommended actions for the DAC, I wanted to outline -- these would be the things, the motions and actions for you to take today to implement this so they can move forward -- would be to revise Section 2 of the DAC bylaws for subgroups as provided to you. Approve the communication guidelines and membership application for subgroups. Adopt the templates that I just reviewed with you for the two groups. And then to request BLM solicit applications for both of those subgroups and provide recommendations for the DAC's review and selection of members at your next DAC meeting.

If you choose as I think has been the general schedule of having the next DAC meeting in June, that would give a couple of months for BLM to receive applications from interested members of those various areas of expertise and to forward those to the DAC for your consideration. And then you would be taking action if you meet in June or whenever your next meeting is. The good thing about that schedule is these groups would be up and going in time for preparation for the next recreation season, which would be important in terms of providing timely input to BLM on the various operational and other issues they are confronting and getting that information out to their constituencies. So that's the set of recommended actions for the DAC.

I would like to bring a few other items to you. But in terms of next steps that would happen after your action, some work to assist the field offices and the two subgroups and everyone in their recommendations in their first sessions and conducting follow-up with subgroup chairs and BLM staff to finetune the implementation of these recommendations to make sure they actually achieve their results.

The key thing in this is we are creating a structure here, but there are two parts: The structure and who is in the structure, but also what the relationships are. So one of the things I'm hopeful for out of the reconstitution of these subgroups is that there will be an even more effective working relationship between BLM and these stakeholder groups, given the very important work they are doing.

So I had mentioned at the start we have been talking thus far about the advice components here, but I want to touch briefly on the project and information because those are the two other dimensions of collaboration that are very important that move beyond the formation of subgroups and how they relate to you. But they are important to highlight in terms of what are the other tools, if you will, of helping to get good stakeholder engagement.

On a collaboration of projects, the Friends groups have been absolutely phenomenal. The Friends of Dumont Dunes, the United Desert Gateway Group for the ISDRA area have a long history of collaborating, working together, finding resources that are beyond what the BLM has access to directly, and making a real difference in the quality of the recreational experience and the safety of the people that participate. So very important things happening there.

BLM certainly needs to encourage such groups. Yet in order for them to be able to tap other sources of funds that BLM can't tap directly, there needs to be a continuing arms-length relationship between those Friends groups and BLM so that it's clear that they are in fact independent entities, not just agents, if you will, of the BLM.

So that's a little bit about collaborating around projects, and that can happen outside of the subgroup activity. And I would like to talk about the information exchange because that's another important dimension. Since the former TRTs will require more formal structure as subgroups of the DAC, I want to be sure that the BLM and stakeholder user groups have some informal vehicles to improve information flow because given that now the subgroups are going to be reporting up to the DAC, there was some concern that is this going to be limiting the flow of information.

And I would say no, it doesn't need to limit it, but it does mean that you are going to need GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

to tap some additional tools. So enhancing the use of Web sites and e-mail lists. I think the California statewide BLM Newsbites is an excellent example of information exchange. There may be a need and an opportunity to create some e-mail lists to get information out to people who want to be learning about the Dumont Dunes or the Imperial Sand Dunes and may not be members of existing organized groups that are providing e-mail distribution out, to make sure that people have access to that information.

Certainly if what Daphne was describing as a statewide effort to identify opportunities for recreational use is put into play, that might be another way to identify if you want to learn about Dumont Dunes or Imperial Sand Dunes, you can get updates. So those are the kinds of things that maybe the subgroups with BLM can talk about. But there is a need to figure out some ways to leverage these electronic tools that are available.

And thirdly, the BLM can go out and participate and communicate in stakeholder user sessions as the resources permit them. I know they do at some of the American Sand Association meetings, so there is an opportunity for BLM to go out and communicate what is going on and to get feedback from people, because those are meetings really being organized by those stakeholder constituency groups, not ones being created by BLM, and therefore, they are not FACA events, if you will.

And then certainly considering teleconferencing Webinars and other technologies to cost-effectively communicate to users at large. There is an expanding and very diverse community of people that use these areas. They don't all come to the same channel, and figuring out how to reach them is going to be important.

So a couple of ideas there about things to enhance the exchange and to help leverage that effectively and those will be something for the BLM and subgroups to discuss to achieve the objectives that you share.

So going back here to the recommendations, there are four that I mentioned to you earlier. And those would be the items that I think would be important and I know that in talking with some of the DAC members, I think there has been a suggestion of another item, which would be to create a standing item on the agenda for these subgroups to be reporting to the DAC at the DAC meetings so that that formal information flow and channel happens. And that's something that you could do administratively through your agenda setting for these meetings.

So those are the recommended actions. would be pleased to take your questions. And then in the interest of helping these groups to move forward and continue the important work they are doing, I would encourage your action today to move on these items.

CHAIRMAN MABEN: Thank you Don. We will start on this side. Any questions or comments on those recommendations?

MEMBER HOLIDAY: I just want to thank Don and especially Mike at BLM for doing this. They have run across the issue of the TRTs that are not formally official organizations the way the FACA was designated. And they kind of stepped up to the plate and spent the time and effort to get things back in sync, and I think that the changes here are all good, especially from the ISDRA TRT group which I'm on. We don't see this as a huge catastrophe. We think it's pretty good.

MEMBER BANIS: Question, please. There is one condition that I didn't see provided for that has been a little bit of a fuzzy gray area for us. And that is kind of a dual question. What happens when a DAC member terms off the DAC who happens to be serving on a TRT in either of the two capacities, a project internal working subgroup versus an applied for standing subgroup? And -- I guess it's the same question, I wrote it twice, so it must be very important.

May I just say that it is our understanding that it was a rather informal agreement among the then-seated DAC of approximately -- was it your first meeting, I think? It may have been your first meeting that the question came up. And it was informally agreed that if the members of the DAC are termed out and they wish to remain in service on the TRTs subgroups, that it would be allowed. And I don't know how this folds into a more formalized and a FACA'd set of subgroups.

MR. MARUSKA: Let me answer your two questions with one answer. My suggestion would be the following: That if that designated member from the DAC is someone who is otherwise representing one of the areas of expertise that's been identified for that particular subgroup, that then it may very well be the pleasure of the DAC that that person can extend their term.

I think it's important for the reporting

process that there always be somebody on one of these subgroups, these formal ongoing standing subgroups, if you will, who is a member of the DAC. So if that person continues to fill their term because they represent an area, not just a DAC representative but they have an area of expertise that they are bringing to that as identified for that particular subgroup, my suggestion would be that that person continue in that role because they are serving in two roles as expert and as serving the DAC reporting capacity. And the DAC might consider adding another person if needed to make sure there is always somebody on the subgroup that can report back to the DAC.

An alternative way is for the DAC to have two members on each of these standing subgroups right from the start. And the terms of those people on the subgroup could be staggered to handle the issue of how do you make sure that you have coverage. But I think it's going to be important in terms of making this work effectively for the subgroups and for the DAC that there be that kind of linkage. I know various ones of you have different terms, so you want to be sure that there was coverage in those subgroups going forward.

MEMBER GROSSGLASS: I think I have two GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

separate questions.

MEMBER BANIS: We will see.

MEMBER GROSSGLASS: I thought that I read it this way. But will the subgroup make formal recommendations directly to the BLM, or does the subgroup have to go through us to make formal recommendations to the BLM?

MR. MARUSKA: Under FACA, because the subgroups are not independent FACA-approved entities, the subgroups have to make their recommendations to the DAC because the DAC is a formal FACA-approved Advisory Council.

MEMBER GROSSGLASS: So then when the subgroup meets, they might meet more often than we do, and they might want for us to make a formal recommendation to the BLM before we have another meeting. Do we have a suggested procedure for that, because if not, I think I do.

MR. MARUSKA: That's where we were identifying in the template for these two groups, that what would happen is the subgroups would come up with whatever recommendations or advice they would like to offer to the BLM. The subgroups would submit that to the DAC chair. The DAC chair would distribute it to the DAC members, certainly BLM can facilitate that information flow around.

MEMBER GROSSGLASS: I thought that was directly to the BLM.
I didn't think that was to us. So I was confused.

MR. MARUSKA: Then the members of the DAC might have comments you would like to make and you do have the role of being the parent, if you will, to the subgroups, and so you could provide comments. But within 14 days those recommendations would formally go to BLM with whatever comments you or members of the public might offer.

MEMBER GROSSGLASS: We could tell them no, you can't make this recommendation?

MR. MARUSKA: You could say we don't believe this is appropriate and we think this is of such import it deserves full discussion of the DAC and then whatever procedures you have for the DAC would come into play. And obviously, BLM would be receiving that information and they would be saying okay, these are the recommendations that came from the subgroup. Here are comments and concerns from the DAC, and they would take that into consideration in terms of how they responded.

MEMBER GROSSGLASS: I wanted to make sure the
information did pass through. GILLESPIE REPORTING & DOCUMENT
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MR. MARUSKA: It will pass through, and that's what the 14 days are there for is to give reasonable opportunity for you to get the e-mail and think about it and respond and yet in a timely way because the season moves very quickly out there for BLM to get the formal recommendations with the benefit of whatever comments you may offer.

MEMBER HOLIDAY: I would like to make a comment on that procedure. It's a little more formal procedure, but I think in reality the way these groups work, they are exchanging information with the BLM. When we have a meeting, we exchange information. I know the ISDRA subgroup, we make very few formal recommendations or motions, if you will. It's really an interchange of information. And I think if it stays like that and if we do have a formal recommendation, it's probably not something that can't wait 14 days to get to the BLM. And they are going to hear us make it anyway. So I think that this 14-day time period is well within the constraints of doing business.

It's going to put a little more work on the chairman of this committee, this Council to receive those, if there is one or two motions or recommendations, and to put that out to the rest of the group and then bring those back and make that formal recommendation to the BLM. But I see this as a totally workable solution.

MEMBER RUDNICK: Maybe I'm a little confused, but isn't the idea of the subcommittees to help DAC make decisions on a case-by-case basis and on items that may be -- need a little further review for the DAC committee? That then the DAC can talk to the BLM about it?

MR. MARUSKA: Well, actually, there is probably a couple different contexts of advice that will come forward from these subgroups. The kind of situation that you are describing would be where maybe you are considering, as you have considered in the past -- I think there was a TRT about routes and signage and that was really done across the whole desert. You created a subgroup which is what you would be creating through this, but rather than calling it a TRT, which is an incorrect phrase in current regulations, you should call it a subgroup of the DAC, and you send it out and you ask them to do that. They would be coming back and giving information to you as DAC members to be considering and then coming up with your recommendation to BLM. So it's directly in the line, Richard, of what you were just asking your question about.

The ongoing operational nature of these very large or high-use areas like Dumont Dunes and Imperial Sand Dunes presents a little different situation because they have ongoing operational issues that aren't so much -- this is really more, okay, this is happening in law enforcement out in Glamis, and here is a recommendation about how to deal with it. That would be something probably in the course of the season that BLM would need to act on much more quickly. It might be falling between your meetings. It's not something that you had previously identified at the DAC as being a big issue that popped up.

And this would be a way to get the information around and get it through with any commentary that you wish to offer on to BLM. So there are a couple of different scenarios in the way the DAC would play and where the initiative is coming, for the issue would differ in those two situations.

MEMBER RUDNICK: I understand what you are saying, and you also mentioned that through the use of and the cooperation of the Friends groups, like the Friends of Jawbone, they really are the focus group in Jawbone, Dove Springs area as well as the Rands. And aren't we layering, if we do a TRT or a subcommittee on that? Isn't that just too much layering?

MR. MARUSKA: I wouldn't suggest to you that you have a Jawbone subgroup of the DAC because it seems like you are working very effectively -- BLM is working very effectively with the Friends groups and it's a more focused area, less volume of user impact than Dumont Dunes or the ISDRA TRT. So I think you want to use the formal subgroups of the DAC fairly sparingly because they do require organizational support and effort. And the smaller user areas, be it the Rands or Jawbone or El Mirage that have existing Friends group, are informal opportunities for BLM to go out and inform those organizations of what is going on. Those groups, at their own meetings, not BLM groups, but they could go out to the Friends groups and speak to the Friends groups and hear from the Friends groups and not be creating another layer, just using what is there.

But in ISDRA and Dumont Dunes, you have a complexity of issues and operational questions and user fee issues that come about. And just a volume of recreational impacts and of fee collections that make those a bigger set of issues that need a more robust solution, like these subgroups, to handle.

CHAIRMAN MABEN: Richard, the permit in front of you there, that was produced from the Rands TRT and Friends of Jawbone, and other stakeholders were at those meetings so they all participated in solving the solution.

MEMBER RUDNICK: I would just like to suggest, Mr. Chairman, that us as a DAC committee keep it as simple as possible and don't go out and try to proliferate our committee and confuse things. That's all.

MR. MARUSKA: I think that's an important point. And I certainly endorse that advice. And I think to the point earlier, I think, Randy, you were highlighting it as well. What if the DAC kind of on the fly says here is an issue. You have the authority now, if you choose to implement these revised bylaws, to set up such a subgroup. And you can designate from the DAC and from the Chair on the floor here at your meeting who you think needs to be in that subgroup and you can send it off without having a protracted application process involved with it.

But in areas like Imperial Sand Dunes and Dumont Dunes where you have such large user groups and there is so much at stake with regard to fee issues and so on, that does need a more formalized way of soliciting applications for it so that the users accept the legitimacy of that subgroup working on your behalf.

MEMBER SHUMWAY: This is more because I'm a new member and this is more of a clarification kind of question.

It sounds to me from your description and your response to all of our questions that what you are proposing in a nutshell is that the TRTs as they stand right now be reclassified as a subgroup under the DAC Commission with regular reports of their findings and meetings and recommendations to the Commission, distributed also to the BLM, with recommendations ultimately to the BLM coming from commissioners; is that right?

MR. MARUSKA: Yes.

MEMBER SHUMWAY: So actually, it's pretty simple, in my mind anyway. I could be simplifying. But it just seems like you are reclassifying everything as it stands to subgroups. TRTs will be handled by the BLM and their federal employees as technical groups, so it really seems like it's pretty simple.

MR. MARUSKA: There are a few

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formalities that we are highlighting in order to enhance the effectiveness of those groups, but the key elements, you are right on target.

MR. RAZO: I do need to make one comment. In the research for this, in getting you prepared for this, we discovered a very interesting fact that the bylaws have never been actually voted on and adopted by the DAC. What you have actually are draft bylaws that have never been actually voted on. That needs to happen first. So before you can revise Section 2 of the DAC bylaws, you need to accept the bylaws so that's done and formal. And then you can go on with this.

CHAIRMAN MABEN: If we don't do that, we can go home; right?

MR. RAZO: Correct.

MEMBER SHUMWAY: Maybe, I don't know -- if these are just draft bylaws, isn't it possible for the commission to amend the draft and then vote once on a final rather than vote on a draft and amend it?

MR. RAZO: I thought I would bring it up.

MEMBER SHUMWAY: Is that your motion?

MS. SHUMWAY: I make a motion that the commission consider the bylaws as -- the draft bylaws

as presented to us, amend the bylaws per Don's recommendations, and then vote on a final body of bylaws.

CHAIRMAN MABEN: Is there a second?

MR. JOHNSTON: So seconded.

CHAIR MABEN: Any further discussion? All in favor? (Voice vote taken.) Motion carries. Now I would entertain a motion to approve items 2, 3 and 4.

MEMBER BANIS: Question on 4, please. Is it realistic that we can get applications or reconstitute those committees by the June meeting? Does this need to be noticed, a Federal Register notice or anything that we are soliciting these? I seem to remember a three- or four-month --

MR. MARUSKA: No, that's one of the benefits of operating under the DAC because the DAC is the recognized FACA entity. And this subgroup is providing input to the DAC. So then the subgroups are not FACA -- do not have to follow all the FACA requirements because they are not the FACA entity. So that means you can operate much more efficiently in that domain, which is why the recommendation is to create subgroups to the DAC rather than as standalone FACA entities.

MEMBER BANIS: Then so moved, please. CHAIRMAN MABEN: Is there

a second? MEMBER RUDNICK: I will second. CHAIRMAN MABEN:

Motion carries. Don,

on our agenda should it be listed as subgroups or

should we list it as subgroups or TRTs. MR. MARUSKA: Subgroup reports. CHAIRMAN

MABEN: Okay. I would instruct

staff on all future agendas to have subgroup reports listed and indicate

on the agenda whether there will be a report for that particular subgroup

for the meeting. Is there a motion for that?

MEMBER BANIS: I would be honored to

make that motion. I would like to see that. MEMBER RUDNICK: Second. CHAIRMAN

MABEN: All in favor. Opposed?

(Voice vote taken.) Motion carries. All right. Thank you, Don.

Appreciate it.

Mr. Hillier, we aren't going to take public comment because it's basically internal issues of the DAC.

MR. JOHNSTON: Just wanted to ask him one quick question of clarification. And maybe what we just passed covers this.

But it would appear because the subgroups GILLESPIE REPORTING &

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are not direct responsibilities under FACA, we could just take the existing groups, rename those groups, and then go out for appointment of new members. In other words, keep the existing membership as it is now. And as we have time to go out to solicit new membership, we could do so because they are not bound by the stringent rules that we are.

MR. MARUSKA: There would be an efficiency aspect to that. My recommendation to you would be that actually the DAC request applications for this, because I think what that does is it gives an opportunity for even the sitting members of these subgroups to assess what their continuing interest is, how this new approach and the communication guidelines and the reporting structure fits, and in essence, make a conscious decision to re-up versus just rolling them over.

So my recommendation is that you would ask sitting members as well as others that might be interested to apply, and that way you as a DAC would have the best information about who is indeed interested in continuing and in what capacity. And I think that that would help you move the subgroups forward most constructively.

And since I think logistically, Steve, if

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I'm correct, you believe that that could be done by the time of the next meeting and actually it would be the field office managers, Roxie and Vicki, that would be soliciting the applications initially. But that seemed doable from both field office points of view. So I would suggest that you go out for the applications and certainly the expertise and the experience of existing subgroup members, people that served on the TRTs would be a value you would want to have and consider carrying over.

MR. JOHNSTON: For continuity purposes.

MR. MARUSKA: That would be affecting your decision. But I think you want to make sure people have a fresh opportunity to decide whether they wanted to signed up for this rather than to be rolled forward.

MEMBER HOLIDAY: One other aspect of this that I think we need to take care of right now is assigning the DAC member to each one of these groups. And I'm currently on the TRT at ISDRA and I would like to stay there. But we need to assign somebody to the Dumont Dunes TRT.

CHAIRMAN MABEN: Is there no one on it right now? Randy is on it.

MR. RAZO: Randy is on it. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

CHAIRMAN MABEN: I would entertain a motion that we keep the existing DAC members on the subgroups who are currently represented on the TRT.

MEMBER BANIS: There are some subgroups that are perhaps not properly constituted. Historic Cabin used to be called Adopt-a-Cabin. These are the ad hoc committees as opposed to standing committees. There is an ad hoc on Historic Cabins and ad hoc on Surprise Canyon also. And I don't know that any of us are still remaining on that.

CHAIRMAN MABEN: I would request that we hold off on those until we get a full DAC, unless you want to be on all those.

MR. MARUSKA: And at such time as you have a full DAC. And I would suggest that at that time when you do have all of your members, there would be a good opportunity to review all of the other five TRTs that are kind of hanging out there and decide if they have an ongoing purpose; if so, are you going to reconstitute them as subgroups? Or have they completed their purpose? Or are they really of a different nature and they ought to close down because they don't have an ongoing role in serving you.

CHAIRMAN MABEN: So we have a motion for the continuing DAC members to remain in place? GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

MEMBER GROSSGLASS: I will make that motion.

MEMBER HOLIDAY: Second.

CHAIRMAN MABEN: That takes care of that issue. Mr. Hillier, in deference to your vast experience with BLM, we are going to allow you to speak briefly.

MR. HILLIER: Absolutely, Mr. Chairman. Thank you very much for indulging us. You are running a tight meeting.

Two things: One, I have been serving on the Dumont TRT, and I think I can speak for certainly the other members there, that this new more formal way is going to clean up ambiguity.

I would suggest one thing, though, and it's related to the bylaws. And I wouldn't have thought about it unless it was because of another organization that I'm tied with that's operating under something similar to FACA in which we were -- have been required to formally set the meetings of the larger body a year ahead of time so they got on everybody's calendar. And specifically with the more formality now of the subgroups, they are going to have to time their meetings so they get their reports and recommendations done when the DAC meets.

And I would recommend, whether it's by bylaws or custom, that the Bureau set these meetings ahead of time so they are a fixed date. And that way the Council members themselves can plan well enough ahead of time so they can participate fully in those; but more importantly, so the subgroups can get their meetings held and their recommendations done in time to fit BLM's schedule. So if you can possibly set those meetings out two or three or four ahead of time, it would certainly be helpful to the operation of the subgroups.

CHAIRMAN MABEN: It would be helpful to a lot of people. Good suggestion. Do we need to make a motion?

MEMBER BANIS: We could talk at the end when we set the dates.

procedures and stuff?

MEMBER GROSSGLASS: I didn't see a place for Council member reports, so I didn't know where to put it in.

But I -- last time I wrote a letter for the GILLESPIE REPORTING & DOCUMENT MANAGEMENT, second?

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DIRECTOR BORCHARD: Two or three dates out.

CHAIRMAN MABEN: Okay. Great. that. You had an issue sort of in-house

DAC, there wasn't really a policy or procedure for me to follow. I kind of didn't know what the heck to do. So I thought maybe I would write a draft procedure for us. And if you guys could all go over it and maybe at some point give me feedback and even vote yes or no, we want to change it or not change it.

CHAIRMAN MABEN: Since it's not an agenda item, I don't know if we can speak about it

if it's not on and That's
the agenda you today. discuss this? MEMBER SHUMWAY: Mr.
Chairman, can we
can't do MR. RAZO: She cCHAIRMAN MABEN: an bring it
anything. up. But can we take action
on it?
MR. RAZO: Yes, CHAIRMAN MABEN: you can. Coming from my

MEMBER SHUMWAY: Well, Mr. Chairman, isn't there kind of a precedent when Gary presented his letter and then we discussed it via e-mail and made changes? Isn't that still appropriate for the commission?

CHAIRMAN MABEN: Sure. MEMBER GROSSGLASS: So that's kind of what I have down here. When I wrote the one letter, I GILLESPIE
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only got one response. So I think we have to have kind of a time line. I think it's seven days if someone has a big amount of heartburn of what was written, they have seven days. And if not, it goes to probably -- I don't remember who I said, but maybe if you want to give everyone a chance to read this.

MEMBER RUDNICK: I just read it and I think it's very well written and I think it really organizes our letter writing. Thank you for doing that.

MEMBER HOLIDAY: I have one suggestion for this. Inasmuch as we have just done this thing with the subgroups and the subgroups have a 14-day response limit to request from a subgroup to the DAC, I would suggest this be changed to 14 days, just so that it's consistent. I don't know if that's a big problem, but I like consistency where somebody doesn't think, well, gee, am I to respond in 7 days or 14 days. Is that a thought to anybody?

MEMBER SHUMWAY: I think that's a pretty good idea. It's like bankers. Sometimes 7 days isn't enough if you are out of town, so 14 days is a reasonable amount of time.

CHAIRMAN MABEN: Is there a motion to that effect? GILLESPIE
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MEMBER HOLIDAY: I will make a motion that we adopt this guideline for letter writing and response, with the exception that the time frame is changed from 7 days to 14 days.

CHAIRMAN MABEN: Second it?

MEMBER BANIS: I would second with a friendly amendment. This is coming from the chairman of the DAC and not from the District Manager. He would be distributing it on our behalf, but I believe this letter is from the DAC chair, just to clarify. And then if it that's okay with the maker of the motion or the genius behind it --

CHAIRMAN MABEN: Will you second the amendment, Richard?

MEMBER GROSSGLASS: He is looking to see if you overlooked it.

MEMBER HOLIDAY: So the last sentence, on behalf of, take that last sentence out because it wouldn't be on behalf of the DAC.

MEMBER BANIS: The last line, "The District Manager sends out the letter, signed by the chairman of the DAC, on behalf of the DAC."

MEMBER GROSSGLASS: I like that. Signed by the chairman on behalf of the DAC. CHAIRMAN MABEN: All in favor.

(Voice GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

vote taken). Opposed? Motion carries.

Moving right along. We have Alternatives for the Imperial Sand Dunes Recreation Area, recreation area management plan. Vicki Wood.

MS. DREYFUSS: Good afternoon. I'm Erin Dreyfuss, NEPA coordinator in the El Centro field office. I see a lot of familiar faces out here, so feel free to jump in and ask me any questions that you have as I go through these alternatives.

Next, please, Steve. I wanted to give you guys a quick status of where we are at in this process. Currently we are working on analyzing impacts and developing a draft RAMP. We hope to have that RAMP available by mid-June. As you all know, the administration change and briefings that may be required may set us back a little bit, but we are really hoping to have this out to the public by mid-June.

We recently invited several agencies to be cooperating agencies on this document. And we actually had Border Patrol El Centro and Imperial County accept our invitation, so we are really happy that they signed on to work with us on this project. Although we did invite U.S. Fish and Wildlife Service to be a cooperating agency, they declined our invitation; however, they have been really instrumental in developing all these alternatives and been attending every meeting we have had, so they have had a lot of input in the process.

MEMBER GROSSGLASS: Why do you think they turned that down?

I'm a little curious.

MS. DREYFUSS: They are just really busy and they didn't want to be there formally, but they are working with us.

So why a new RAMP? As many of you know, our 2003 RAMP was remanded for us to go back and try it again: New critical habitat designation for Pierson's Milkvetch which will be illustrated in each map, that came out on February 14, 2008. So that was the major catalyst for us to start doing a new RAMP process.

Also, changes in Executive Order 13212, that's the Renewable Energy Executive Order that tells BLM, hey, you have to look at renewable energy on lands where it might be appropriate. So we are looking at that. And also, as you all know, substantial visitor use pattern changes since the 1987 RAMP. So those are all things that are driving this process. And if you will go to the next slide, I will jump right into the alternatives.

Alternative 1: This is the 1987 RAMP existing conditions. It's kind of hard to see, and I should have made these maps bigger, but as you will find out, these are going to be on the Internet on Monday, so if you want to go back and print them out and take a look at them, they will be available.

North Algodones Dunes: That was not a wilderness in 1987. It didn't become one until '94. And the green you see there on the map is the new critical habitat as of last year. So we want to put that on each map so you can see what each alternative, how it affects the critical habitat.

But as you can see, Alternative 1, the North Algodones Dunes Wilderness Study Area, as it was, was closed to off-highway vehicle use. The rest of the dunes was open and available for OHV use.

Next one. So this is Alternative 2. This is the current situation on the ground. Those are our administrative closures as we are managing them now as we speak. The large Central closure, the Patton Valley closure down in South Dunes. The small Buttercup closure just south the Interstate 8. Mammoth Wash, there is a small closure up there north of wilderness. And what we like to call the Postage Stamp or the Donut Hole there near Gecko Road.

Next. So -- can you go back to the last one so I can explain? If you guys are already familiar with this, let me know. But what I was talking about is the large closure is this area. Patton Valley is right about here. The closure south of Interstate 8 at Buttercup, and then what we call the Postage Stamp there.

Next one. So this Alternative 3, kind of the goal behind this one was conservation and protection of habitat. In talking with Fish and Wildlife Service, our interdisciplinary team that includes everybody from recreation, law enforcement, basically everyone in our office has been involved in this process. And Alternative 3 was kind of the, okay, how are we going to conserve critical habitat, how to conserve for a whole host of species out there? And that was kind of the goal under this alternative. So as you can see, all of the acreage for critical habitat is closed under this alternative. Not available for OHV.

The weird shape -- let me explain these bizarre shapes. So this, all this on the east side is microfill woodland habitat. Not necessarily a lot of OHV use going on in those areas, but a lot of camping use goes on in those areas. South where we started that closure actually right here is a really rich pocket of microfilled woodland, actually, a closed canopy area in the desert, if you can believe that in the desert. So we wanted to protect that under this alternative. And then this weird shape here. When Fish and Wildlife Service first came out with the designation for critical habitat, they included that area. BLM submitted comments and said, hey, that's our highest use area around Gecko Road and it would probably be a good idea to take that out of the critical habitat. So that's why it's not included. They listened to our comments and took that out. But under this alternative for conservation, we kept it in for continuity. And we know there are plants there

so we want to conserve it.

Next one. So Alternative 4, the goal behind this alternative was to be a little bit more balanced between conservation and recreation. As you can see, on the east side we did make that area unavailable in the microfilled woodland, closing the critical habitat on the west side there. But I don't know if you can see that, but there is a kind of a weird hashing in that southern area. That's the highest density area of Pierson's milkvetch in the sand dunes as a whole, and it's our highest use area too.

What we thought behind that was under this alternative what we wanted to do was make that a seasonal closure. Working with Fish and Wildlife, they kind of brought this up, too, that if we had enough rainfall and high enough temperatures, maybe we could close that area to facilitate germination if it was a good year. Obviously, in a bad year there won't be any plants there so it would be open and available for OHV use. At the same time, we also wanted to make more areas available for OHV, so this area would be open for those long serpentine rides that people like to do in the dunes, so that was the thought behind Alternative 4.

Alternative 5, you might say that looks a lot like Alternative 4 and it does. However, Alternative 5 is slightly different. Under this one, still have the middle of the dunes open and the entire Glamis/Gecko area open, but under this alternative all of the critical habitat would be unavailable for OHV use, even in the north near Mammoth Wash.

So then Alternative 6, some of our members brought up a good point that manageability is a big issue out there. And it's going to be tough to manage -- whichever alternative we choose is going to be hard to manage on the ground. This alternative --we consider this also to be a balanced alternative because it does close quite a bit of the critical habitat and the microfill and the dunes in between, which kind of protects a whole host of species. Instead of just closing it to protect the milkvetch, which we do want to do, we also wanted to protect other species out there, too, but still making lands available for recreation.

So there is a large swath -- actually, that large swath that would be closed under this alternative would actually be easier to manage for BLM. But just -- I think a good balanced alternative with lots of areas open for OHV, Mammoth Wash would still be open up in the north. Gecko/Glamis area would still be open also. So that's the story behind that one.

Next. And then Alternative 7, our goal here was -- Alternative 7 is more of the recreation development-minded alternative. And this one closes -- I wanted to say -- and there is a table back on the back if you guys didn't get a chance to see it that actually compares and contrasts all the different alternatives, percentages, different areas closed, so you can kind of quantify what I am talking about. But this actually does close the majority of the critical habitat, but as you can see, still leaving the majority of the dunes open for recreation.

Next, please. So that's all I have. We just wanted to present these here today to kind of get your comments flowing in your minds and maybe hopefully when people see these now and kind of get an idea of what we are thinking about and the constraints we are under, that you can definitely give us good comments when the draft does come out.

So I'm happy to take any questions. DIRECTOR BORCHARD: Tom first and then Ron.

MEMBER ACUNA: Can you go back to Alternative 7, please, the slide? Just a general question here.

The area north of the highway here, this direction here, I know this has been closed off for 30 years with no impact from OHV users. What is different about this area from this area? Does this area -- I mean, does this area contain something that this area doesn't already contain?

MS DREYFUSS. We get that question a lot, and from my vast experience walking the length of the dunes many times, the dunes in the north, north of highway are a lot smaller, heightwise, than the dunes that are south of the highway. For someone who is recreating on an OHV, those dunes north of 78 probably wouldn't be as fun to recreate on.

MEMBER ACUNA: Acknowledging that, but is the flora and fauna any different?

THE WITNESS: Well, we have done studies. The densities of Pierson's milkvetch are much lower north of Highway 78. Why is that? We aren't sure. But there is a lot of topographical differences in slope and aspect differences.

MEMBER ACUNA: Next question. If the south side has been under impact for many years, why is it that those species are still there and we have to close it off?

MS. DREYFUSS: Well, that's a good question, and BLM has done monitoring every year to try to answer that question. That's the million dollar question that we all want to know, is why are they here and not other places? And I can't answer that. All I know is when it rains, there is a lot of Pierson's milkvetch out there, just like in any desert ecosystem. And when it doesn't, we don't have many species of any species out there. So that's what we are monitoring on a yearly basis to try to find out.

MR. JOHNSTON: On the areas that would be closed off, how would you define those areas such that you could actually police or keep people out of them?

MS. DREYFUSS: Well, currently as a lot of you know, we do have carsonite posts delineating where the closures are. And for the most part, we have really good compliance in those areas. And we have done a really good job of educating users as to where those areas are. So I would think that whichever alternative, if there were closures involved, we would educate the public again and make sure people knew where those areas were.

MEMBER HOLIDAY: I would also like to comment on that. The BLM has these carsonite poles around the existing what we call administrative closures. That's a huge expense for them to do that. I don't know. I hear numbers from 70,000 to 200,000 a year just to maintain those poles around those things, around those closures.

So any of these -- obviously, I'm biased to an alternative that would open more areas. But I'm also biased to an alternative that will allow us to maintain that in a cheaper -- a reasonable manner, more cost-effective manner to maintain it. And for the law enforcement officers to monitor it. If we have one of those huge big areas, we are going to have more difficulty in maintaining the signage and the law enforcement.

MEMBER SHUMWAY: I have a couple of questions. I'm just a geologist, not a biologist. And as you all know, geologists have no soul. So I'm still going to ask you again maybe to follow up on Tom's question. I'm confused. If that area has been closed for 30 years and it has less density of the milkvetch than the area impacted by off-road vehicles, I'm assuming that regionally they probably get about the same amount of rain every year.

MS. DREYFUSS: You would be surprised.

MEMBER SHUMWAY: Maybe I would, but nevertheless, somebody has to think that in that 30 years, one has had almost no off-road impact and the other has had abundant impact. I'm just a geologist, but I would say there might be some connection between off-road impact and maybe turning stuff up and a lot of the milkvetch. So somebody like me says, well, if you want to preserve the milkvetch, it seems like closing it off would be counter productive.

(Applause from the audience.)

DIRECTOR BORCHARD: You are a scientist.

Are you suggesting that anthropogenic hetero turbation is the answer?

THE REPORTER: Excuse me. Could you say that word again?

MEMBER SHUMWAY: So that's my comment, and I think that the BLM should consider that as scientists when they start closing that up because as a member of the public, I would consider that.

My next question is a crabby question, and I don't mean it to be that way necessarily, but I am a real stickler for certain kinds of terminology.

So when you are closing an area off and you say you are conserving it, that really grates on me because I think that's preservation and not conservation, and I think we should be careful of those terms because what you are doing is precluding other types of uses, which is sort of the definition of preservation, and it contrasts with conservation.

MEMBER RUDNICK: Well, Dinah hit it right on the head. That was exactly going to be my deep in my soul.

field,

comments. Why not open the north part and see what happens?

MEMBER SHUMWAY: I think Richard is also soulless.

MEMBER RUDNICK: No, that's coming fr

CHAIRMAN MABEN: It could be the seeds of the milkvetch, like some pinecones that need fires to germinate, maybe they need fires to germinate.

MS. DREYFUSS: And I appreciate those viewpoints and it's logical. And we have done studies and we are doing studies to look at that. And like I said, we haven't proven it or disproven it. It's a logical assessment to make when you look at the facts surrounding the area. But we just haven't figured that out yet. We don't know if that's what is happening on the ground. So we are trying to make the best decisions that we can.

CHAIRMAN MABEN: Are there any members of the public who have any comments?

MEMBER ACUNA: Just one more question. Can you flash again, just so I can see those alternatives again, 1 through 7, and what is the preferred choice right now?

MS. DREYFUSS: We do not have a preferred, actually. We are analyzing impacts right now as we speak, this coming week, and once we are finished analyzing the impacts from each, then we will choose the preferred.

MEMBER ACUNA: Okay. So let's see

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No. 1 again. Is -- it's open?

MS. DREYFUSS: Right. That is the no action under the 1987 RAMP. The only area closed was what is now the North Algodones Dunes Wilderness.

This is the current situation in the dunes right now since 2001. The administrative closures.

Three is the preservation alternative.

Four is -- I mean, I would like to say "balanced," but I don't know how well received that will be, but that's how we think about it. We are trying to leave areas open and conserve and protect critical habitat and microfill woodland. Hybrid is a good term. Same thing: Another iteration of the hybrid, only all the critical habitat closed under the alternative.

Same thing, another hybrid alternative, only closing what we would hope would preserve and protect a host of species, not just the milkvetch.

MEMBER ACUNA: Okay. Thank you. Hope you don't take our points personal to you. You have done a great job here. But here is another idea.

You have got all these labeled 1 through 7 and it seems to be kind of a mixed from very open to not too open to closed. And it would be kind of interesting to go down that list, maybe they get more difficult, maybe they get less difficult, and it would be easy for people like me to remember which way I'm going on the alternatives.

MEMBER HOLIDAY: Let me make one comment just for some of the observations that you -- quite obvious observations that you made. My organization, the American Sand Association, has had a biologist, independent biologist that we paid for studying these plants. We didn't do it this year because we found it's useless, but we have been studying it for seven years. And over that period of time you see that in certain areas that the plant is very much dependent upon moisture. In fact, when this plant was listed --I hear rumors. The CDC told me there were 14 of these plants left.

In a high year, I think it was like three years ago when it really rained -- we had a perfect rain. It started raining in October and rained about every other week. The BLM when they counted plants, they counted about 1.8 million plants. And we have done seed bank studies where the estimated seed banks are in the areas of 5 to 6 to 8 million seeds that are in the ground, because these seeds don't germinate. They take some scarification or whatever it is before they do so. They won't germinate the first year because that's a protection mechanism for the plant.

So from a scientific standpoint, they can't figure out why one area, like you say, is better than another area. But the plant does very well if it has moisture, like any desert plant. It kind of needs some moisture and the seeds are there waiting to grow.

We can't get the government -- the courts to look at science over whatever they are looking at. Most other issues. They are not looking at the science. And I keep hearing, "this government is going to look at the science," and "the new government is going to use the science." But they don't use the science.

I mean, we have had scientists from BLM, Fish and Wildlife Service and private scientists all look at this. And we have had groups of these scientists get together and they tend to agree on their results. They may differ a little on their methodology or something, but the results seem to be pretty consistent, but the courts don't look at science.

CHAIRMAN MABEN: Thank you, Vicki. Appreciate it. Next, we are ahead of schedule, so I think we will give a minute. After the next presentation we GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

will have plenty of time.

MR. RAZO: The court reporter needs a break.

CHAIRMAN MABEN: The court reporter needs a break? Okay. We will take a ten-minute break and reconvene at 2:45.

(Brief recess was taken from 2:35 to 2:45 p.m.)

CHAIRMAN MABEN: We are now reconvened. I will take item on Geothermal Renewables Update. John Dalton.

MR. DALTON: I am here. Hello.

CHAIRMAN MABEN: You are ready to go. Okay. The front name is faded off of my agenda.

MR. DALTON: My name is John Dalton, and I am the Planning NEPA Environmental Coordinator for the District. And I would love to give you an update on the geothermal, so before I begin on our local project that's going on in the CDD, I thought maybe I could go over the Programmatic EIS recently completed. I don't want to be redundant in this presentation.

Excuse me while I read just a couple of pages. I tried to get just bullets from the Programmatic. So I would like to begin with the PEIS that was recently completed.

The federal lands in the West and Alaska

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contain the largest supply of geothermal energy in this country. As part of the effort to make these energy resources available to help meet the nation's energy needs while protecting the environment, the BLM and Forest Service prepared an Environmental Impact Statement. Approximately 143 million acres of BLM-managed lands and 104 million acres of National Forest lands have geothermal potential.

The Final PEIS identified approximately 118 million acres of BLM public lands and 79 million acres of National Forest lands as available to potential geothermal leasing. The Programmatic EIS has strong interest in the 12 Western states, local governments, industry, and conservation and environmental groups. The alternative chosen as the Proposed Action in the PEIS best met the purpose and need for leasing and developing these resources, while also protecting the environment.

The public involvement in preparation of the Geothermal Leasing Programmatic EIS was extensive, as documented in the Programmatic EIS and the Record of Decision. Results of the 90-day Governors' Consistency Review of the PEIS as required for the BLM planning regulations were favorable. The Record of Decision was signed in December of 2008.

The Record of Decision accomplished several goals: Approved the Resource Management Plan Amendments for Geothermal Leasing in the Western States; identified public lands with potential for geothermal development available for leasing; provided a list of appropriate stipulations to be applied to leases; also amended 114 BLM land use plans.

None of the governors objected to the proposed plan amendments. The PEIS laid the foundation for future geothermal leasing. It also provided environmental analysis of 19 pending geothermal lease applications grouped into 7 geographical locations that were filed prior to January 1, 2005, for BLM- and the Forest Service-managed lands, primarily in Alaska, California, Nevada, Oregon and Washington.

The clear direction regarding geothermal energy development that Congress gives in the Energy Policy Act of 2005 is exactly the sort of guidance that the BLM and other federal agencies need to move forward with managing energy resources found on public lands. It balances efforts to meet the nation's economic and energy security needs with the need to protect the environment.

Analysis of the pending lease applications

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makes it possible for the agencies to exceed the goals set by Congress in the Energy Policy Act, processing 90 percent of the pending applications by 2010. We, the agencies, expect to have 97 percent of these pending applications processed by 2010, including those applications addressed in the Programmatic EIS. The reasonable foreseeable development scenario in the final PEIS estimated a potential for 5,540 megawatts (MW) of new electric generation capacity by 2015, which would include the construction of 111 new geothermal plants. It also estimated another additional 6,600 megawatts from another 133 plants by 2025.

This translates into more than five times the generation capacity of the current geothermal power plants on federal lands by 2015, and more than 10 times the current capacity by 2025. Leasing would be subject to existing laws, regulations, formal orders, terms and conditions of the standard lease form and attached stipulations.

To protect special resource values, the BLM and the Forest Service developed a comprehensive list of stipulations, conditions of approval, and best management practices. The PEIS also analyzed leasing stipulations, COAs, and best management practices on all public lands and National Forest lands with geothermal potential except withdrawn lands on administrative lands close to geothermal leasing. Lands within a unit of the National Parks System, such as Yellowstone National Park, would not be available, nor would wilderness areas or wilderness study areas.

The full text of the Record of Decision/Approved Resource Management Plan Amendments and the Geothermal PEIS are available for downloading at www.blm.gov/geothermal_EIS. While the Programmatic EIS identified lands available for geothermal leasing, NEPA would be required for all site specific application/proposals. Our geothermal program at the CDD is rapidly expanding.

I would like to talk a little bit about the current proposed geothermal projects in our area, and I would like to explain that these are excluded from the Programmatic EIS, so that's the purpose of us doing these EISs.

I would like to start with an update on Truckhaven. So in regards to Truckhaven, we completed the Record of Decision in July of 2008. And we had two appeals. So we are now waiting for IBLA's response before we go forward with the bi-pending lease applications. Once we get notice, we are expected to hear something in the next 30 days, so within the next month we will have a decision. We will move forward with processing those lease applications. The remainder of the acreage would be available for competitive geothermal sale held July 14, 2009. That would be held in Reno, Nevada. So that's where we are at with Truckhaven.

Next project that we are presently developing is the Haiwee geothermal leasing area. This is in the Ridgecrest jurisdiction. We are looking at 22,060 acres proposed for geothermal development. We took a filter out there recently in early February to look at some of the issues that may be of potential interest and concern. We also put together a project team, and we currently are seeking the USGS services to evaluate the hydrology study that was done for this EIR that was done for the Haiwee Ranch area. The study will help us determine if we need to fill in any data gaps and come up with additional hydrology, if necessary. So that's where we are at with this particular project. Again, the major concerns are water issues and Native American concerns.

I realize there will be questions. I'm just trying to move through these projects. GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

The next one is West Chocolate Mountains in the El Centro field office jurisdiction. The major issues here, we are looking at about 37,000 acres, plus. We are still trying to define the boundaries. This is pretty much what you are looking at. We revised this map to show the Catellus lands, which do exist in this area. There are a lot of land acquisitions which -- this particular project will be a major undertaking to try to establish where we are at with regards to the private and acquisition lands. So there is a lot of split estates in this particular planning area. We are planning on going forward with the Notice of Intent in May and public meetings later in probably early July. So it's tentatively where we are at with this EIS.

I think that's what I have. I will open it up to some questions. MEMBER GROSSGLASS: Did you say you were going to have NOI for that? MR. DALTON: I have a handout, if I may. Sorry.

MEMBER GROSSGLASS: For example, I wanted to know when the NOI was. It was probably on the handout.

MR. DALTON: Meg, to answer your question, in early July. We with the field office sat down and talked about who the potential team players would be and the time frames issues, getting a contractor on board, this type of thing. So it's in the packet. It's just a general outline. There is a tentative schedule for Haiwee, which I just discussed, and also for the West Chocolate Mountains.

MEMBER ACUNA: Thank you, John. Good presentation. A lot of discussion about wind and solar and PV. Not too much discussion, at least that I hear, about geothermal. And I know some places really work well and other places don't work as well because of the grime and a lot of issues.

Do you have any idea on that particular area next to Chocolate Mountain, the mountains there, how is that viewed by those in the industry? Has it been tested? Has anyone done any testing to see how it rates in terms of desirability.

MR. DALTON: There is existing data. This particular area is very highly sought after, not only for the geothermal resource, which is there, but also we have a lot of wind applications out there and potential solar as well. So this is going to be an area that's going to be extremely sought after.

MEMBER HOLIDAY: I just have a question.

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It looks like that lower portion of that Chocolate Mountain areas -- is that in the dunes area, in the Mammoth course area?

MR. DALTON: Yes, that would be the northern portion of the dunes area. And we are trying to exclude that area, so we are trying to reduce that area to try to eliminate those areas. We have already reduced it, and I think the next plan is to reduce that site. But we are going to look at it for analysis in our document.

MEMBER SHUMWAY: John -- Dinah Shumway. Would geothermal energy contrasted with wind and solar be considered 24/7 while on-line?

MR. DALTON: I can get back to you.

MEMBER SHUMWAY: I will make a comment on that. I have done some work in geothermal energy in my early career. And with -- the problem with geothermal is the size of the ancillary corrosion of equipment and things like that, depletion of heat in the reservoirs because of reinjection of moderately cooled water. So it does have a life, a definite life, because of that. But the energy should be --once the plant is on line, the energy should be 24/7 because the earth doesn't care. It is going to keep heating.

MR. DALTON: The level of this documentation is whether or not to have the geothermal exploration. So later on when this is more specific -- this is before, so this is a means for us to analyze those potential impacts and come up with our alternatives. We may want to reduce this again for these issues.

MEMBER ACUNA: The transmission -- we always ask that question and I realize this is exploratory in nature.

MR. DALTON: Correct.

MEMBER ACUNA: But if you were to go to that next step, are there transmission lines that have capacity, should that be proven to be desirable, viable?

MR. DALTON: This particular project has a transmission corridor through it. Whether or not --I'm not sure about the upgrades to this line or what the status is on this transmission line. However, again, at this level we will determine that, we will look into the fact that it is capable or not. But for the purpose of our document we won't get into, if we put the power plant in and how will we get that power to the transmission line.

MEMBER ACUNA: So just a reminder.

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Whenever you guys do a Programmatic EIS or some plan that is going to encompass this in the future, if you could identify a potential corridor, that will obviously make your licensing much easier in the future.

MR. DALTON: Yeah, I understand that.

MEMBER BANIS: I have a question regarding the Haiwee project. There was a field trip on February 4th. What was that field trip? That wasn't a public field trip?

MR. DALTON: No, it was internal. We took the staff out there. It was good to meet the players so they could take us out there and show us the issues, roads, right-of-ways, those type of things.

MEMBER BANIS: I appreciate the detailed time line. I want to clarify, though, that it doesn't look like there is an opportunity for public participation until the next-to-the-last item on the time line.

MR. DALTON: It's an approximation and it could change. Just to give you an idea that these things are occurring and we are looking for a contractor. We are writing these contracts and so forth. That was the purpose. You will certainly be involved.

MEMBER BANIS: You got my point.

CHAIRMAN MABEN: Thank you, John. And now what everybody has been waiting for, public comment. Limited to three minutes.

MR. STEWART: John Stewart, California Association of Four-Wheel Drive Clubs. Appreciate the update on the geothermal, except there appears to be one project missing. And it involves BLM lands, although the project is under the auspices of the Navy and that is in the Superstition Mountains area. I would appreciate an update on that or some kind of status.

MR. DALTON: I would like to say that the Department of Defense is currently doing their administrative draft for the Superstition Mountain. I have a map here, which it's the lower portion in the red right there. Those are the three pending lease applications that are before BLM. We are currently a cooperating agency with the Department of Defense working on the Superstition Programmatic EIS, and there was no date given on when that document would be out for public comment. But it is presently being circulated internally. And again, like I said, that's where we are at.

MR. STEWART: Thank you. This underscores something that's very important, especially to recreation. And the Superstition Mountain, that project there is in a high-use recreation area for OHV activity. The Truckhaven is also in OHV high-use area. So this is the point in addition to what we saw yesterday and earlier where Johnson Valley is being impacted with the potential closure and loss of activity is we face loss of access again from geothermal activities. Recreation again is bearing the brunt from a lot of this. You have to find a place for them to go. Thank you.

MEMBER SHUMWAY: John Stewart -- re John Stewart's comment. Regarding that, I would reiterate exactly what I said to the military in that when -- if it's public land and there is another use for, say, recreational or whatever, then as part of the EIS, it should be identified that there are mitigating lands that will enhance or allow the loss to the public, some access for some other land as well.

CHAIRMAN MABEN: Next speaker, please. I'm not going to call your names. I have a whole bunch of cards in here, so if you want to speak, this is your last chance, going, going. . .

MR. CONKLE: I have given all the

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members of the -- Jim Conkle, Route 66 Alliance, Mother Road National Monument.

I gave all the Council members a copy of the newspaper. There are some back there. This is a newspaper that I published for three years on Route 66. It's been on hiatus because of funding. And I just want you to know that we are coming out with a new issue published May 18. And the entire paper will be devoted to the Mother Road National Monument and the Mojave Desert. There will be 50,000 copies distributed worldwide.

So I will be calling on each of you over the next month to do an interview and talk about your expertise and your zones. And if anybody out in the audience is a writer, I'm looking for articles and photographs for this newspaper. So I just want you to know that it's been revived because of the Mother Road National Monument because of a grant that I got from the Wildlands Conservancy.

CHAIRMAN MABEN: Next speaker, please.

MS. GREEN: Daphne Green, California State Parks.

Just a quick question or first a thank you to BLM El Centro for the work on the RAMP. I recognize how difficult it is and the fine balance

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that one needs to achieve.

I didn't know whether or not in the consideration for the RAMP that it had also considered the impacts of what we have seen recently in the railroad and the potential closure for the railroad. So whether or not that was also being addressed within the document itself. And then also to look at the best ways for the OHV community to help achieve compliance and whether or not travel between the north and south dunes, how that would be facilitated by both the recreation community and law enforcement. So just those two comments. Thank you.

CHAIRMAN MABEN: Anyone else? Okay. Public comment is closed. This brings us to finale, wrap up and summary. Patrick, any final comments for the good of the cause?

MEMBER GUNN: No. I can't think of any offhand.

CHAIRMAN MABEN: I love it.

MEMBER HOLIDAY: My only comment is I would like to see on the next agenda a review of the TRT-like committees, subgroups -- the ones that he was talking about, like the cabin ones.

MEMBER GROSSGLASS: Five additional ones, apparently. GILLESPIE
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MEMBER HOLIDAY: Just have that on your agenda.

CHAIRMAN MABEN: The missing groups.

MEMBER HOLIDAY: Yes, to find out what their status is and whether or not we want to keep them on or not.

CHAIRMAN MABEN: We won't have missing DAC members. Maybe the ones that are missing get appointed.

MR. JOHNSTON: I really have nothing to share, but I -- other than this was probably one of the more informative DAC meetings that I have been to personally anyway. Learned a lot and got some new and broader perspectives on a number of things. And I think our new chairperson has done an excellent of moving it along.

CHAIRMAN MABEN: I'm just temporary, sir.

MR. JOHNSTON: Nice job.

CHAIRMAN MABEN: Thank you.

MEMBER RUDNICK: I don't have too much other than on one of the nearby agendas I would like to see something on grazing in the California desert. It seems like we haven't discussed that at all since I have been on the board. Thank you.

DIRECTOR BORCHARD: I would like to thank Don for the culmination of a lot of work. Don has put a lot of work into this, and I know consulted with many of you as members of our old TRTs and now our subgroups to get your input and draft solutions and make sure those solutions consider your desires as well as create a functional forum for providing a dialogue with our important, in this case, recreation areas. So thanks a million, Don. I really think you have done BLM and the District Advisory Council a great service in the help you have provided for us and the path you have charted for us. So thank you very much.

MR. MARUSKA: Thank you.

(Applause from the audience.)

DIRECTOR BORCHARD: I would like to thank all the speakers, including Colonel Weston -- I feel like I'm stuttering -- Weston and Joe Ross for their presentations on the expansion study. I think, too, it was very informative and helpful, a great dialogue that proceeded the presentation.

I guess since you guys were suggesting items for the next upcoming agendas, I would like to suggest an item for the next upcoming agenda.

A current top item that a lot of people are

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interested in and has great potential to influence a large part of the BLM-managed lands in the California desert is how BLM is going to manage acquired lands. I guess I would suggest that our very next agenda be focused on managing acquired lands because it's a current topic of great interest and potentially new legislation that Senator Feinstein would introduce. I think it would be very timely if we took that topic up and had the opportunity to increase everyone's understanding of this. It's a very complicated issue, it really is.

CHAIRMAN MABEN: I want to thank all the staffers and stakeholders. It's been a great two days. And hopefully next meeting will be just as much fun and excitement as we had yesterday.

MEMBER ACUNA: Roxie, just wanted to thank you for hosting the event last night. Really enjoyed it. Thank you for opening your home up to us.

I'm always talking about energy and I still think we need to continue having that as a topic every time we get together. I would like to see kind of a one-on-one class on the several steps that a renewable developer has to go through, typically, to get a project approved and that starts --

THE WITNESS: No, you don't. 240 GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

MR. RAZO: That will be the whole meeting.

MEMBER ACUNA: So -- having said that, I will sign off.

MEMBER SHUMWAY: I would like to also thank all the BLM staff for making this such a pleasant two days for us. And I would like to charge both the BLM and the all of the recreational off-highway users -- of which I am not one; it's a new world for me -- to actively look for areas for mitigation because it looks more and more like the landowners, which are the taxpayers and the public, are going to be losing access, regardless of how you look at it, to a lot of lands that we like to play and work in.

And I suggest that some form of mitigation from the people that are going to be taking the lands away from the public access is probably in the cards at some place; if not, it's something that I would insist on. So try to identify areas that you could possibly use as mitigation for whatever activity you love. Thank you.

MEMBER BANIS: Thank the Barstow field office for hosting this terrific meeting and the great field trip yesterday. Look at that. That's good red sun from the great day out in the spring sun. But I would like to wish you a special thanks to all of the members of the public who took the time to come out this weekend on your own schedule and to take advantage of this opportunity to make your comments heard. It is quite warm to my heart to see so many members of the public making their opinions known. And it helps support our mission here in what we do. So thank you to the public for continuing your vigilance and attendance at the meetings. Thank you.

MEMBER GROSSGLASS: I have one request. Maybe on the next agenda could we get an update on the Desert Renewable Energy Conservation Plan, something they talked about at the California Biodiversity Council. They said they were going to have it done in 20 months; they talked about energy corridors. And I was very curious on that issue. And I want to thank all the BLM employees, Roxie and the people in Barstow. This is always a lot of the fun and thanks for putting up with me.

CHAIRMAN MABEN: Okay. Now comes the fun part, scheduling our meetings for the remainder of this year. Steve, you want to take the lead on this?

DIRECTOR BORCHARD: I quickly looked at my calendar for the next meeting. I didn't go beyond GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

that. Three months from basically today is Friday,
Saturday of June 19th or 20th.

MR. RAZO: Aye.

DIRECTOR BORCHARD: Does that sound like a good time?

MEMBER ACUNA: How about one week earlier.

DIRECTOR BORCHARD: The 12th or the 13th?

CHAIRMAN MABEN: June 12 or 13?

DIRECTOR BORCHARD: I can do that. We settled on the 12th or
13th?

MEMBER GUNN: I just had one more suggestion for the next agenda.
If there is enough information on the Mother Road National Monument proposal,
I think that would be a good subject to talk about. I'm sure the public would
be interested in that.

CHAIRMAN MABEN: Are we going to discuss locations or determine
that later? DIRECTOR BORCHARD: We probably ought to set locations. MR. RAZO:
Traditionally June has been in Riverside because of the heat. MEMBER
GROSSGLASS: Let's go to Orange GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

County.

DIRECTOR BORCHARD: If we want to do --kind of focus the agenda on management of the lands, and certainly the Mother Road Monument is an integral part of that, as is renewable energy an integral part of that, it might be nice to have Jim take us on a tour of the Mother Road.

MR. CONKLE: I would love to.

MEMBER SHUMWAY: Needles or Barstow?

DIRECTOR BORCHARD: We were quickly discussing that on break whether Needles or coming back to Barstow makes the most sense. The things to think about there is do we want to burden the Barstow office with preparing for the next meeting or would we like Needles to take that on, or do we want to do the work at the district office?

MEMBER ACUNA: Palm Springs.

MEMBER GUNN: Ridgecrest.

MR. RAZO: We have the tour pretty much figured out, so we know what we are going to do on Friday.

CHAIRMAN MABEN: If you are going to do renewables on the tour, Barstow would be the place because the Marine Corps facility has that one wind turbine, so we could do a mixed bag.

DIRECTOR BORCHARD: We have recently done the Kramer Junction solar plant. So I don't know if we need to go back this quickly to that facility.

CHAIRMAN MABEN: I'm talking about here at Daggett. You have the towers, you have also some portable tanks and you have a mixed bag almost within easy driving distance. You might as well hit those on at the same time.

DIRECTOR BORCHARD: It makes the most sense to have the meeting right here again. I will apply to the district office to help the Barstow office.

MR. CONKLE: She may not do as good a job at the next meeting so she doesn't have to do it the third time.

MEMBER RUDNICK: Is there any reason why we have the field trip before the meeting? Is to that keep everybody here?

DIRECTOR BORCHARD: I think it's because we start with the most fun part of the gathering is the field trip. That sucks you in.

MEMBER RUDNICK: So you are too tired to run. DIRECTOR BORCHARD: Is it tradition that we have always done it that way? GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

MR. RAZO: Yeah. It doesn't have to be. CHAIRMAN MABEN: For a lot of the stakeholders, this gives them an opportunity to be

reason. om here.
MR. RAZO: For this group, it's always worked best.
MEMBER RUDNICK: I knew there was a

CHAIRMAN MABEN: So now we have the next one. So the next quarter?

DIRECTOR BORCHARD: Do we want to look at September or October?

MEMBER GROSSGLASS: September 11.

CHAIRMAN MABEN: Two more meetings this

ar, and that would be it? DIRECTOR BORCHARD: We could just set the date. CHAIRMAN MABEN: Why don't we do it in October because it's a little cooler. MEMBER SHUMWAY: How about the 16th or 17th. Third weekend in October. CHAIRMAN MABEN: Determine the location at our next meeting. October 16th and 17th. MR. RAZO: I'm not going to guarantee it, but we should have our nominees confirmed by the GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

next meeting, and the first, so there will be an orientation --

CHAIRMAN MABEN: If we don't have them, you buy dinner.

MR. RAZO: All right. So there will be an orientation that will have to occur. And also then you will vote on your officers at that time.

CHAIRMAN MABEN: With that, I would entertain a motion to adjourn.

(Several members moved and seconded.)

CHAIRMAN MABEN: Hearing no objections, adjourned.

(Meeting adjourned at 3:21 p.m.)

R E P O R T E R ' S C E R T I F I C A T E .

I, Judith W. Gillespie, a Certified Shorthand Reporter, No. 3710, for the State of California, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of Saturday, March 21, 2009.

Dated this 21st day of May, 2009, at Riverside, California.

JUDITH W. GILLESPIE, CSR, RPR